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**HOUSE OF COMMONS
OFFICIAL REPORT**

**PARLIAMENTARY
DEBATES
(HANSARD)**

Tuesday 12 February 2019

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The House met at half-past Eleven o'clock

PRAYERS

[MR SPEAKER *in the Chair*]

Oral Answers to Questions

BUSINESS, ENERGY AND INDUSTRIAL STRATEGY

The Secretary of State was asked—

Solar Power

1. **Tom Brake** (Carshalton and Wallington) (LD): What steps his Department has taken to ensure that solar power can compete on a level playing field with other energy generation technologies. [909141]

18. **Helen Hayes** (Dulwich and West Norwood) (Lab): What steps his Department has taken to ensure that solar power can compete on a level playing field with other energy generation technologies. [909159]

The Minister for Energy and Clean Growth (Claire Perry): At a time when people think parliamentarians are engaged in some sort of slugfest, I commend the Opposition parties for perfect collaboration on this first question.

Solar is a UK success story, as I know all hon. Members will recognise. The feed-in tariff scheme, under which 80% of installations have been solar, has cost £5.9 billion to date in supporting those 830,000 installations. Prices have fallen over 80% since the introduction of the scheme, which is why we are amending it, as I set out in the smart export guarantee consultation, and I look forward to receiving the response of the right hon. Member for Carshalton and Wallington (Tom Brake).

Tom Brake: Does the Minister agree that households exporting to the grid should be paid a fair rate? Will she ensure an explicit minimum price for exported electricity to allow the market to recover some confidence that new solar homes will receive treatment consistent with that of other electricity generators?

Claire Perry: I completely agree that nobody should be exporting power to the grid for free, or indeed below zero as has happened in some other countries. The level at which that export tariff and the mechanism are set is a matter for consultation, and I look forward to the right hon. Gentleman's points on that subject.

Helen Hayes: Industry surveys show that 30% to 40% of solar firms installing domestic systems are now contemplating closure, given the mess that the Minister's Department has made of policies for smaller-scale renewables. The Government's own figures show that deployment of solar PV was less than 300 MW last year,

down 90% compared with 2015, and Ofgem's targeted charging review now threatens even the few solar farms that have been built without subsidy. Will she now meet the Solar Trade Association and its colleagues as a matter of urgency to discuss this latest threat to a part of our energy market that is critical to delivering carbon reduction?

Claire Perry: I agree entirely with the hon. Lady about this being an important part of our energy market, which is why I am so proud that 99% of our solar installations have happened since a Conservative-led Government have been in power. I frequently meet the Solar Trade Association, which is always a pleasure. I encourage her to look beyond a regime of subsidy for delivering renewable energy, as the evidence of the numbers suggests that there are 2.3 GW of solar projects in the pipeline that already have or are awaiting planning permission and that could be delivered without subsidy. We are moving rapidly to a subsidy-free world for solar generation. [*Interruption.*] The hon. Lady shakes her head, but it is true. It is important that we do not equate subsidy with output, and with actually delivering the power we want.

John Stevenson (Carlisle) (Con): Does the Minister agree that making solar power compulsory for all new builds would be beneficial for the homeowner, would remove any need for subsidy and would cost the taxpayer nothing?

Claire Perry: My hon. Friend raises an excellent point. He will know that building regulations now set minimum energy standards, couched in performance terms rather than being prescriptivist about the types of technology that should be used. Builders are increasingly adding renewable energy systems, but I am always interested to see what more we can do to bring forward such a good way of lowering bills and CO₂ emissions.

Stephen Crabb (Preseli Pembrokeshire) (Con): Both solar and wind have been very successful in driving down industry costs, but does my hon. Friend recognise that that poses a challenge to technologies such as wave and tidal that are competing against solar and wind? Such technologies are chasing a number that is always falling faster than they can keep up with.

Claire Perry: I do. I was pleased to meet the Marine Energy Council a few days ago. The meeting was supported by a cross-party group of MPs, and we discussed exactly this issue and how, in a cost-effective way, we might look to continue supporting technologies that are further from market.

Barry Gardiner (Brent North) (Lab): On Friday children across the country will go on strike, saying they have lost confidence in the Government's ability to tackle climate change. Does the Minister think these children are wrong, or can she explain to them why the UK is spending £10.5 billion to subsidise fossil fuels—more than any other country in Europe—at the same time as scrapping the solar export tariff and forcing some people to give their surplus solar energy back to the grid for free?

Claire Perry: There are a number of inconsistencies in that question, but I think it is incredible what young people across the world are doing. They did the same

thing at COP, where we had some compelling statements. Young people expect us to wake up to the reality of the future, which is why I am so proud to stand here and tell them that they live in a country that has led the world in decarbonisation over the last 20 years and is the first major industrial economy to ask for real advice, rather than a few fake words, on how we will get to net zero. *[Interruption.]* The hon. Gentleman chunters on about net fossil fuels, but there are no direct subsidies for fossil fuels. I think he is suggesting that we should not have an oil and gas industry in the UK. I would like to see how that plays out with his colleagues north of the border.

Antoinette Sandbach (Eddisbury) (Con): I welcome the Minister's commitment that no small-scale producer should export electricity to the grid for nothing. Will she confirm that as well as applying to solar, that would extend to small-scale hydro?

Claire Perry: Yes, that is absolutely correct. I know that my hon. Friend takes an interest in this, so I wish to emphasise that we recognise the value of community energy, which has benefited in many cases from this scheme. If people have the chance to respond to the consultation emphasising the value of that, it would be much appreciated.

Insecure Work

2. **Grahame Morris** (Easington) (Lab): What steps he is taking to support people in insecure work. [909142]

8. **Lilian Greenwood** (Nottingham South) (Lab): What steps he is taking to support people in insecure work. [909149]

9. **Alex Norris** (Nottingham North) (Lab/Co-op): What steps he is taking to support people in insecure work. [909150]

23. **Karen Lee** (Lincoln) (Lab): What steps he is taking to support people in insecure work. [909164]

The Secretary of State for Business, Energy and Industrial Strategy (Greg Clark): Britain has a very strong record in this area, with the highest level of employment in our history, combined with some of the strongest rights for workers in Europe. Last month, I announced new measures to counter discrimination at work against women returning from maternity leave, and we are one of the first countries in Europe so to do.

Grahame Morris: I thank the Secretary of State for that reply, but may I remind him that unemployment in my constituency is up by almost 1,000 on the same period last year, to 2,860? May I also tell him that a fire at Country Style Foods in Peterlee in my constituency has left a number of people looking for work, including one temporary worker employed through an agency? She had worked for the same company for seven years on a zero-hours contract, but a short break in her employment has stopped her accessing contributions-based benefits. In most zero-hours contracts, this "flexibility" is illusory. When would he consider that zero-hours contracts are inappropriate?

Greg Clark: Two thirds of workers on zero-hours contracts say that they do not want any more hours and that they are content. On the break in service, the hon. Gentleman will know that that relates to one of the recommendations of the Taylor review that we have committed to implementing.

Lilian Greenwood: It has been almost two months since the Minister announced that workers on zero-hours contracts would get the right to request a stable contract. There are 65,000 people in the east midlands whose main job is on a zero-hours contract; our region has the highest percentage of people on these contracts, according to the Office for National Statistics. That means tens of thousands of people vulnerable to unfair treatment at work, uncertain about whether they can afford to get through the next week, let alone plan for the future. In this HeartUnions Week, the TUC is rightly calling for a ban on exploitative zero-hours contracts. When will the Government act to tackle insecurity in the workplace, rather than just tell workers to ask nicely for a permanent contract?

Greg Clark: The Taylor report, and indeed the Select Committee, considered the recommendation that has come from some sources to ban zero-hours contracts. The Taylor report concluded that banning zero-hours contracts

"would negatively impact many more people than it helped."

The joint report by the Business, Energy and Industrial Strategy Committee and the Work and Pensions Committee found that people on zero-hours contracts preferred to have that flexibility, for the most part—*[Interruption.]* That was the evidence given to the Committee. The hon. Lady will know that we have committed to bringing in the right to request a stable-hours contract.

Alex Norris: I refer colleagues to my entry in the Register of Members' Financial Interests. Last week, the GMB and Hermes struck a landmark deal that proved that secure work is compatible with new and emerging industries. Today, I am writing to DPD, which has a depot in my constituency, to ask it to meet the unions and follow suit. Will the Secretary of State say today that it is important that we establish good laws in this country, but companies can get on with it now? They can get around the table with their unions and secure the jobs for their people in their workplace.

Greg Clark: The hon. Gentleman makes an excellent point. I met Tim Roache, the head of the GMB, last week and congratulated him and Hermes on having come to their agreement. It shows that good employers can work with their employees to agree what is the best for them mutually, and it is a very good example of that.

Karen Lee: According to the TUC, 3.8 million people are working in insecure jobs with no guarantee of hours, which represents a 36% increase since 2010. One of my constituents in Lincoln, Dan, is struggling to break out of the cycle of precarious work. He told me:

"You cannot support a family"—

and he is doing his best—

"if every morning you're turning up for a job that might not exist."

Does the Minister agree that the unacceptable increase in insecure work fundamentally undermines the UK's high employment levels?

Greg Clark: I am glad the hon. Lady mentions our high employment levels—she is right to do so—because for people to have the best opportunities for prosperity we have to ensure that there are jobs available. She will know that we have more jobs and more vacancies in this country than we ever have had. The number of workers on zero-hours contracts is just 2.4% of all employees, and that is falling, as it happens. As I say, two thirds of them prefer that flexibility. The right approach, in line with the recommendations of the Taylor review, is to give workers the opportunity to request a stable, fixed contract, but to allow flexibility for those who want it.

Mr Iain Duncan Smith (Chingford and Woodford Green) (Con): My right hon. Friend is right to recognise that zero-hours contracts give flexibility to particular groups of people, many of whom have caring responsibilities and peripatetic work patterns. Without those contracts, they would not be able to enter the world of work and benefit themselves. Does he recall that it was the last Labour Government that had these contracts as exclusive and that we got rid of that abuse?

Greg Clark: My right hon. Friend is absolutely right. We made that change, and it was of great benefit. We should be proud of the increase in employment that has taken place. According to the Resolution Foundation, the biggest gainers principally have been women, ethnic minorities, single parents and disabled people. That is something we should be proud of.

Mr Philip Hollobone (Kettering) (Con): Will my right hon. Friend confirm that with the creation of 3 million brand-new jobs since 2010, more people in our country are in secure employment than ever before in our nation's history?

Greg Clark: My hon. Friend is absolutely right. In fact, the number is 3.25 million more jobs since 2010, and 80% of those have been full-time. The number of zero-hours contracts has actually fallen.

Mark Pawsey (Rugby) (Con): Rugby has the second highest rate of people in work in the west midlands, and one reason for that is the flexibility in the local labour market, especially in the growing logistics sector. Does the Secretary of State agree that for many people, the ability to choose the hours they work is important to them?

Greg Clark: My hon. Friend is absolutely right. The Taylor report called for two-sided flexibility, so that employers and employees can make a choice as to what the best arrangements are for them both.

Andrew Bridgen (North West Leicestershire) (Con): The hon. Member for Nottingham South (Lilian Greenwood) says that the east midlands has the highest proportion of people on zero-hours contracts, but she failed to add that we also have the highest economic growth outside of London and the south-east. Does my right hon. Friend agree that the best guarantees of improving workers' rights, conditions and wages are a

strong demand for labour, a growing economy and the control of unskilled migration, which is something we will be able to do after Brexit?

Greg Clark: I agree with my hon. Friend that having jobs and vacancies available is the best source of security for people in this country. We have a proud record of having secured that over the past eight years.

Rachel Reeves (Leeds West) (Lab): Last week, it was reported that the Government plan to bring forward legislation to commit to guaranteeing workers' rights outside the EU. Will the Secretary of State confirm that no Government can bind their successors? As easily as legislation can be passed, a future Tory Government could take those rights away, just as this Government have done by introducing tribunal fees, passing the draconian Trade Union Act 2016 and failing to crack down on bogus self-employment. Why would Members on the Opposition Benches trust anything that the Government say about ensuring workers' rights in law?

Greg Clark: The record of this Government has been to extend workers' rights way beyond what the European Union has offered. In the UK, we have 52 weeks of maternity leave, for example, compared with a requirement of 14 weeks in the EU. This House has chosen to give rights of paternity leave and pay to fathers and partners that are not yet available in the EU. The measures that the hon. Lady knows we are about to introduce for people returning from maternity leave makes us a leader in Europe on the issue. She should be confident in the ability of this House to promote and protect workers' rights.

Under-25s: Working Conditions and Pay

3. **Martyn Day** (Linlithgow and East Falkirk) (SNP): What steps he is taking to help ensure fair (a) working conditions and (b) pay for people aged under 25.

[909143]

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Kelly Tolhurst): Through the good work plan, the Government are strengthening employment rights for all workers. We are introducing measures that will support innovative businesses, while ensuring that workers of all ages have access to fair and decent work. In April, we will introduce inflation-beating increases to the national minimum wage rates, benefiting 350,000 young workers directly.

Martyn Day: Despite the PM promising on her first day in the job to tackle burning injustices, this Government have consistently refused to introduce a real living wage for all, with the under-25s particularly hard hit. If Government will not act, will they devolve these powers to Holyrood?

Kelly Tolhurst: I point out that some of the highest unemployment rates are among that age group so our priority is to make sure that young people are able to gain secure work and experience. In actual fact, nine out of 10 workers between the ages of 18 and 24 are paid above the national minimum wage rate, and we are continuing to work towards increasing that year on year.

Supermarket Supply Chains: Human Rights

4. Kerry McCarthy (Bristol East) (Lab): What recent assessment his Department has made of the prevalence of human and labour rights abuses in the global supply chains of UK supermarkets. [909144]

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Kelly Tolhurst): The retail sector is the UK's largest private sector employer and recognises that it has a responsibility for this issue, and it is pioneering responsible sourcing practices. The Government welcome campaigns such as the British Retail Consortium's "Better Retail Better World" and Oxfam's "Behind the Barcodes". The Government remain determined to eliminate exploitation, and the landmark Modern Slavery Act 2015 increases specialist support for victims and places requirements on businesses to be transparent about their supply chains.

Kerry McCarthy: I secured a debate last year on this issue, highlighting the shocking extent of modern slavery in our supermarket supply chain. Will the Minister tell me what action has been taken since then?

Kelly Tolhurst: I thank the hon. Lady for raising this question and for giving us an opportunity to talk about this matter. The retail sector regards human rights and supporting sustainable markets as fundamental principles within its psyche. The British Retail Consortium has played a pivotal role, and it was a founder member of the "Stronger Together" scheme. Under the Modern Slavery Act, there is a duty on employers to submit modern slavery statements, and they should be doing so by the end of March.

Michael Fabricant (Lichfield) (Con): May I invite my hon. Friend to meet Sir Charlie Mayfield, who is the chairman of the John Lewis Partnership, which of course includes Waitrose? She will know that it has an audit trail to ensure that all its goods are produced ethically. When can she meet him?

Kelly Tolhurst: I thank my hon. Friend for his question and say that we meet Sir Charlie Mayfield regularly. This gives us a great opportunity to highlight the fact that there are thousands of businesses really stepping up to the mark on this issue. ASOS and Co-op are leading the way on transparency, and are identifying risks and taking action. M&S, Unilever and Tesco are also signing up to the employers' pay principles.

Jo Swinson (East Dunbartonshire) (LD): We all want to be able to buy food in the supermarkets without trampling on the human rights of the people who produced it. Yet less than half of all agricultural companies are complying with their requirements under the Modern Slavery Act 2015, so what changes will the Government make to ensure that companies properly report what they are doing to tackle problems with human rights in their supply chains?

Kelly Tolhurst: I thank the hon. Lady for her question. The Home Office has written to more than 17,000 businesses reminding them of their obligations to submit their modern slavery statements. We are committed to the Guiding Principles for Business and Human Rights,

a UN initiative, and we are proud to be the first country to have an action plan in place, but, as with all these things, we will continue to keep them under monitoring.

John Howell (Henley) (Con): In my role as the Prime Minister's trade envoy to Nigeria, I am aware that Guinness Nigeria is being sold by Tesco. Is the Minister aware that Diageo and other companies in Nigeria have pledged to eradicate modern slavery from their supply chains?

Kelly Tolhurst: I thank my hon. Friend for his suggestion. He is quite right. That is just another example of where the sector, working with Government, is taking action to stamp out these practices where they identify them and telling us how they are taking action to eradicate them.

Leaving the EU: Consumer Rights

5. Liz Twist (Blaydon) (Lab): What steps he is taking to ensure that consumers are informed of any changes to their rights after the UK leaves the EU. [909146]

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Kelly Tolhurst): We are committed to protecting consumers and providing clear information so that they understand their rights. That is why we have launched a public information campaign to reach out to consumers, citizens and businesses. As part of that, we have provided tailored information to consumers about their rights after EU exit. We are working closely with partners such as Citizens Advice on this issue.

Liz Twist: Will the Minister tell us what assessment has been made of the impact of a no-deal Brexit on the UK's product safety regime, and what legal protection consumers will have when buying future products and services from the EU?

Kelly Tolhurst: The hon. Lady raises an important point. Every piece of no-deal legislation that we have brought through the House has had an impact assessment, and we have already submitted five pieces of legislation. We have been very clear that consumer rights will be protected when we leave the European Union, and I am committed to doing that.

Stephen Kerr (Stirling) (Con): In the Minister's estimation, what has the Office for Product Safety and Standards achieved in its first year of existence?

Kelly Tolhurst: My hon. Friend is right to highlight that the new Office for Product Safety and Standards has got its strategy plan together. We are working through that, working with data-led intelligence to ensure that we tackle product safety inequalities when they appear.

Gill Furniss (Sheffield, Brightside and Hillsborough) (Lab): As the Government continue to threaten the public with a catastrophic no-deal Brexit, which they admit themselves would be detrimental to consumers, a report by Which? shows that a staggering 82% of people said that the Government had communicated either too little information or no information at all about the

impact of such a Brexit. Will the Minister tell the House whether that is a result of sheer incompetence, or is it simply that the Government no longer care about consumers?

Kelly Tolhurst: This Government are committed to retaining the high levels of consumer protection that we have. We have been very clear about that; we set out our intentions in the consumers Green Paper. We have launched advertising campaigns and published guidance on the Government's website regarding certain elements of consumer rights. We are working closely with the Consumer Protection Partnership, which brings together the enforcement and the information bodies that work with consumers. We are committed to delivering for consumers, and that will not change—in or out of the EU.

Tendring: Skilled Jobs

6. **Giles Watling** (Clacton) (Con): What recent steps he has taken to help businesses create more highly skilled jobs in Tendring. [909147]

The Minister for Universities, Science, Research and Innovation (Chris Skidmore): The South East local enterprise partnership, which covers the district of Tendring, has received £590 million through the local growth fund to drive regional development. Business support for small and medium-sized enterprises is available through the LEP's Business Essex, Southend and Thurrock growth hub. The LEP is funding projects to strengthen coastal communities, including Tendring, as well as supporting the highly skilled offshore renewables sector.

Giles Watling: High-skilled jobs are clearly useless without anyone to fill them, and the employee supply chain necessitates a clear role for further education. I recently signed a cross-party letter to the Chancellor calling for further education funding to be increased to above inflation in the next financial year. Does the Minister agree with me and 164 other colleagues that that is a good idea?

Chris Skidmore: The Government have protected the base rate of funding for 16 to 19-year-olds until 2020 and are working closely with the post-18 funding review led by Sir Philip Augar to ensure a coherent vision for further and higher education. As part of its local industrial strategy for the district of Tendring, I welcome the fact that the South East LEP is investing in further education, including £10 million for the Colchester Institute's Science, Technology, Engineering and Mathematics Innovation Centre, its Learning and Technology Centre in Braintree, and a centre of excellence in health and care in Colchester.

Energy Market: Diversity Supply

7. **Mr Philip Dunne** (Ludlow) (Con): What steps he has taken to ensure diversity of supply in the energy market. [909148]

The Minister for Energy and Clean Growth (Claire Perry): My right hon. Friend is quite right that we have a diverse energy supply and we must continue to maintain that, guided by the principles of lowest cost, lowest carbon and the maximum exploration of overseas trade

opportunities. As the Secretary of State set out in his recent speech, we should continue to use market mechanisms wherever we can to maintain this diversity of supply.

Mr Dunne: I thank my right hon. Friend for that answer. However, can she reassure the House, and many of our constituents, that the move from the existing feed-in tariff to the smart export guarantee will not jeopardise the viability of solar energy anaerobic digester producers and that they will continue to be paid for exporting energy to the grid?

Claire Perry: My right hon. Friend is quite right. As I said earlier, we are very keen to ensure, through the smart export guarantee, that we move to the lower-subsidy or subsidy-free future that we know we can get to, but that we continue to see the sorts of viable projects that he references. I would urge him to make sure that the views of his constituents are reflected in the consultation that closes on 5 March.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): Has the Minister had recent conversations with the power distribution networks? They are very powerful, they transmit all the electricity, and they are owned by very strange people, in my view. Warren Buffett owns all the power distribution in the north through Berkshire Hathaway. The Chinese own it all in London and the south-east through the Cheung Kong and Li Ka Shing enterprises. Are they efficient? Are they effective? Do they work in the national interest, or in somebody else's national interest?

Claire Perry: The hon. Gentleman, I am sure, shares my view that we should have the most efficient and well-invested energy system going forward that keeps costs down for consumers. He will also know that since privatisation—[*Interruption.*] Well, if he wants an answer perhaps he could stop shouting at me and listen. We have seen a large reduction in power outages and an increase in energy security. We have to make sure that the system is fit for the future because, as he knows, much of what happens in the future will not be creation of energy on the old coalfield sites and distribution down the transmission lines—there will be far more decentralised energy, and we continue to look forward to that development. [*Interruption.*]

Mr Speaker: The capacity or otherwise of a particular Minister to speak fluent Chinese is, at best, a secondary consideration in respect of this question, I say to the hon. Member for Huddersfield (Mr Sheerman), who is chuntering endlessly from a sedentary position.

Sir Patrick McLoughlin (Derbyshire Dales) (Con): I very much agree with diversity of energy supply, but will my right hon. Friend assure me that there will be no diminution in the controls over the fracking industry, which has agreed to the regulations and has to stand by them?

Claire Perry: I thank my right hon. Friend for asking a very topical question. The situation is this. We have set out very clearly our need to explore soberly and scientifically this potentially important resource. We rejected the companies' request during the process of

extraction from the first well to change the regime, on the basis that it was fit for purpose. I have been very well aware of all the scientific suggestions that somehow this regime should be reviewed. Of course, we now have an independent regulator, the Oil and Gas Authority, and it is within its remit, should it wish, to look at the science. For me, it is a scientist-led decision—it is nothing to do with politicians.

Jim Shannon (Strangford) (DUP): Will the Minister outline any recent findings regarding the harnessing of tidal power and any project the Department is pursuing or overseeing?

Claire Perry: The hon. Gentleman will know that we continue to look actively at this sector. Indeed, we have invested over £50 million in innovation in the sector over the past few years. However, it was right to reject the most expensive power station ever proposed in the form of the Swansea tidal lagoon. It is very pleasing to see that that project has now been brought forward in a form that does not require any Government subsidy. That is clearly a vote of confidence in this sector and this technology going forward. Our door is open for innovative proposals in this area. I was pleased, as I said, to meet the Marine Energy Council to see what more we can do.

Research and Development Trends

10. **Vicky Ford** (Chelmsford) (Con): What comparative assessment he has made of trends in the level of spending on research and development in (a) the UK and (b) other EU member states. [909151]

The Minister for Universities, Science, Research and Innovation (Chris Skidmore): The Department regularly assesses comparative levels of R&D expenditure in the UK and in EU member states. The Office for National Statistics has estimated that overall gross R&D expenditure in the UK was £33.1 billion in 2016—1.7% of GDP, compared with the EU average of 1.9% of GDP. We must do more, so in our industrial strategy we have committed to spending 2.4% of GDP on R&D across the UK economy by 2027.

Vicky Ford: Many British-based scientists are concerned that their participation in cross-border science networks might be jeopardised by Brexit. Can the Minister confirm that it is this Government's intention that the UK should continue to participate in Horizon Europe's next framework programme, FP9, and that the best way for us to help to make sure that that happens is for this House to support the withdrawal agreement?

Chris Skidmore: I entirely agree with my hon. Friend on this issue. The Government's priority is a smooth and orderly exit from the EU as set out in principle in the EU withdrawal agreement. Voting for the agreement would provide continuity and reassurance for researchers in continuing to participate in the Horizon programmes. It is no secret that we want to explore association with Horizon Europe. The political declaration makes clear our joint intention to establish terms and conditions regarding UK participation in EU programmes as part of our future relationship.

Mr Jim Cunningham (Coventry South) (Lab): As I said to the Minister yesterday, I have two universities in my constituency, and they are very concerned about research and development; they do a lot of work for companies like Jaguar Land Rover, and mainly in the industrial sector. What guarantee can the Minister give that the level of funding will be maintained after 2020? The Chancellor has not committed to that so far.

Chris Skidmore: I am proud, as the Universities Minister, that we have in this country three of the world's top 10 universities when it comes to research. We want to ensure that we continue to have that international reputation. We have made Treasury guarantees on the underwrite extension, ensuring that we continue to be part of all the projects that are part of Horizon 2020. We want to ensure that the association with Horizon Europe has universities at the front and centre of it.

Leaving the EU: Support for Businesses based in Scotland

11. **Gavin Newlands** (Paisley and Renfrewshire North) (SNP): What recent discussions he has had with the Chancellor of the Exchequer on fiscal support for businesses based in Scotland to prepare for the UK leaving the EU without a deal. [909152]

The Secretary of State for Business, Energy and Industrial Strategy (Greg Clark): The Chancellor and I work closely together to support businesses right across the United Kingdom, but as I said before, the best option for Scotland in facing Brexit is to provide certainty to business by supporting a deal that has been proposed with the European Union.

Gavin Newlands: I am not entirely convinced by that answer. With the risk of red meat facing tariffs of around 40%, the president of the National Farmers Union of Scotland, Andrew McCornick, described a no-deal Brexit as “catastrophic” for Scotland's farmers and crofters. In the event that the Prime Minister is unable to get her deal through the Commons and opts for no deal instead of extending article 50, and given what the Secretary of State has said about no deal, will he resign?

Greg Clark: The solution is in the hon. Gentleman's own hands. The NFU has been clear about this in Scotland and every part of the United Kingdom—it said that we should back the deal that has been negotiated. He has the opportunity to do that.

21. [909162] **Mr Alister Jack** (Dumfries and Galloway) (Con): How will the Government's industrial strategy support the Scottish economy?

Greg Clark: I am delighted to say that we work closely with the Scottish Government and universities and businesses across Scotland. One example is the sector deals that we have struck, including the life sciences sector deal, in which Scotland is strong, which means investment going into Scottish institutions and creating good jobs now and in the future.

Drew Hendry (Inverness, Nairn, Badenoch and Strathspey) (SNP): A recent survey by Ernst & Young found that 92% of Scottish firms do not feel fully ready

for Brexit. They are being left adrift by this Government. Given the calamitous collapse of the phantom deal for the ferry company with no ships—the Seaborne Freight fiasco—does the Secretary of State stick by his comment that the contract was “prudent and responsible”?

Greg Clark: The Secretary of State for Transport gave a statement on that yesterday and was clear that no Government money had been put into that. When it comes to building confidence for businesses in Scotland, which I hope the hon. Gentleman and I want to do, he will know that the way to allay businesses’ concerns is to ensure that we conclude an agreement. There is one that has the support of businesses in Scotland and across the country, and I hope his party will back it.

Drew Hendry: That answer is simply not good enough. Even the former head of the civil service, Bob Kerslake, said that the fiasco will

“just confirm the view of many that this country is in a mess”.

If the UK Government cannot put in place their own services, will the Secretary of State support the SNP’s demand for the Chancellor to use the spring statement to provide firms with the fiscal support they need to put in place their own measures to get them through this Tory Brexit mess?

Greg Clark: I am surprised that the hon. Gentleman would raise fiscal matters, when some of the fiscal decisions taken in Scotland recently have further diminished investors’ confidence. For Scotland to be the highest-taxed part of the United Kingdom is a terrible signal to not only workers but businesses.

Yorkshire: Economic Development

12. **John Grogan** (Keighley) (Lab): What recent discussions he has had with Cabinet colleagues on support for economic development in Yorkshire.

[909153]

The Minister for Energy and Clean Growth (Claire Perry): I know that the hon. Gentleman is a proud Yorkshireman, and he will know that we frequently discuss the economic success story that is Yorkshire and the Humber. It may be a little bit politically incorrect, but I am sure he is proud of the fact that in the first three years of the Conservative Government from 2010, Yorkshire created more jobs than the whole of France.

John Grogan: But given that economic growth in Yorkshire and the Humber has on average been about 1% since 2010, compared with 3% in London, does the Minister see merit in the proposals and the economic case for One Yorkshire devolution that have been presented to Ministers? It is backed by 18 local authority leaders, many of them distinguished Conservatives.

Claire Perry: I know my right hon. Friend the Secretary of State for Housing, Communities and Local Government is reviewing the proposals. I see in his place the Mayor of the Sheffield city region, the hon. Member for Barnsley Central (Dan Jarvis), who is doing a fantastic job. I say to the hon. Member for Keighley (John Grogan) that in the places where large-scale mayoralities are working well, such as the west midlands with Andy Street or on Teesside with Mayor Houchen, a cross-party proposal has been brought forward, bottom up, for the Government then to make a decision on.

Luke Graham (Ochil and South Perthshire) (Con) *rose—*

Mr Speaker: Order. No, no. Last time I visited Ochil and South Perthshire, the hon. Gentleman’s constituency, it was a most stimulating experience, but my recollection is that the constituency was a considerable distance from Yorkshire. I call Chris Davies.

Chris Davies (Brecon and Radnorshire) (Con): And Wales is even further, Mr Speaker. [*Laughter.*]

Mr Speaker: Well done.

Manufacturing

13. **Chris Davies** (Brecon and Radnorshire) (Con): What plans he has to support manufacturing in the UK.

[909154]

20. **Preet Kaur Gill** (Birmingham, Edgbaston) (Lab/Co-op): What steps he is taking to support manufacturing after the UK leaves the EU.

[909161]

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Richard Harrington): Our modern industrial strategy for our whole country will ensure that the UK remains one of the most competitive locations in the world for manufacturing investment. We are investing over £600 million in the high-value manufacturing Catapult, and up to £167 million in our “Made Smarter” industrial digitalisation programme. I hope and believe that this will help UK manufacturers develop, adopt and exploit new technologies to make us really successful in the future.

Chris Davies: The British soft drinks industry plays a very important part in the manufacturing sector in our country and should really be applauded for the way in which it has adapted to meet the recent sugar tax. With the Government’s announcement that a bottle return scheme will be introduced in the next few years, will my hon. Friend assure the industry and this House that this scheme will be uniform right across the country?

Richard Harrington: Much as I would like to do so, I cannot give my hon. Friend that assurance, because waste and recycling policy is a devolved matter. However, it is our preference that the scheme is UK-wide, and we will really be pushing that with the devolved authorities.

Preet Kaur Gill: The latest monthly figures from the Office for National Statistics reveal that manufacturing output has collapsed into recession territory, with a sixth consecutive month of falling output. As part of that, manufacturing fell 4.9% in the final quarter of last year. Will the Government listen to Labour, trade unions and businesses, and take the threat of a no-deal Brexit off the table to restore manufacturing sector confidence and protect my constituents’ jobs?

Richard Harrington: I agree with the hon. Lady and with the Prime Minister that a hard Brexit without a deal would be a disaster for the economy of this country, and Toyota, Jaguar Land Rover and many people have said how important the just-in-time process is. I hope that the hon. Lady will listen, and that she will vote for the Prime Minister’s deal, which will give the motor and manufacturing industries the transition period they need.

Motor Manufacturing

14. **John Spellar** (Warley) (Lab): What steps he is taking to support the motor manufacturing sector in the UK. [909155]

The Secretary of State for Business, Energy and Industrial Strategy (Greg Clark): The UK automotive sector is a vital part of our economy, generating £78 billion of turnover and directly employing 160,000 people in manufacturing alone. We are working with the sector through our industrial strategy and, in particular, the automotive sector deal, to make sure that our industry leads in the technologies of the future.

John Spellar: The Secretary of State knows that diesel efficiency helps to reduce carbon dioxide emissions, he knows that new diesel engines are also much cleaner and he knows the importance of diesel production for our motor industry as it makes an orderly transition to new propulsion systems, so why is he letting his fellow Cabinet members the Secretaries of State for Transport and for Health and Social Care grandstand in demonising diesel, and why is he not standing up for our car industry and our car workers?

Greg Clark: I say to the right hon. Gentleman, who I know takes an interest in this, that I have always been clear, and indeed the “road to zero” strategy is very clear, that having a new diesel engine is a perfectly reasonable choice as we move towards zero-emission vehicles in the future. That is very clear: I have said it, my colleagues have said it and I am happy to repeat it to the House.

Chi Onwurah (Newcastle upon Tyne Central) (Lab): Our car industry is a global success story facing existential challenges—climate change, technology change, market change and Brexit. As 80% of our imported parts come from the European Union and 80% of cars made are exported, including half to the European Union, motor manufacturers say a no deal could mean £4.5 billion in tariffs, affecting hundreds of thousands of jobs. The Secretary of State and the Under-Secretary of State for Business, Energy and Industrial Strategy, the hon. Member for Watford (Richard Harrington) are known to favour a customs union in private, but with 45 days to go, do they not have a duty to make the private public, to take no deal off the table and to stand up for a permanent customs union and British jobs?

Greg Clark: I would say that the hon. Lady and her colleagues have a duty to listen to what the employers that she mentions have to say. I could mention Ford, which said:

“It’s important that we get the agreement ratified that’s on the table at the moment”.

Aston Martin has said that it is “obvious” that the deal “meets the needs of all the requests we put forward as an industry”,

and that its needs it to be ratified. McLaren has said that the withdrawal agreement would provide urgently needed certainty. If the hon. Lady wants to follow the representations of our employers, she should do what they say and back the deal.

Rural Post Offices

15. **Maria Caulfield** (Lewes) (Con): What steps his Department is taking to support rural post offices. [909156]

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Kelly Tolhurst): The Government recognise the importance of post offices to rural communities across the UK and are committed to the post office network’s future. The Post Office offers targeted financial support in recognition of the unique challenges of running a rural post office. Postmasters who run community branches that are the last shop in the village can receive packages combining fixed and variable remuneration to reflect their special circumstances.

Maria Caulfield: Post offices in my rural villages of Newick, East Dean and Alfriston are still temporarily closed because the Post Office local model, on a transaction-fee basis, is not enticing potential postmasters. Will the Minister look at returning to a community-based Post Office model to help these post offices to reopen?

Kelly Tolhurst: The Government have invested significantly in post offices in recent years. While there is no programme of post office closures, some unexpected closures, for some reasons beyond the control of the Post Office, as in my hon. Friend’s constituency, can occur. Work is currently under way in regard to her constituency, and there is hope that the services will be restored. I will also ask the Post Office to liaise directly with my hon. Friend on those issues.

Gareth Thomas (Harrow West) (Lab/Co-op): Given that many rural post offices are barely profitable if they are profitable at all, is it not time for Ministers to consider giving business rates relief to all rural post offices—in particular, those housed by the Co-op movement, which continue to provide a service to local communities?

Kelly Tolhurst: The hon. Gentleman will know that the Government have doubled permanent small business relief and increased the threshold at which businesses pay business rates. We are investing in community branches. The Post Office has launched a smaller community branch development scheme, which is guaranteed to benefit another more than 700 post offices. We will keep working with the Post Office to make sure that we maintain our network of 11,500.

Several hon. Members *rose*—

Mr Speaker: Order. Surely Devon and Cornwall are home to both rural post offices and highly skilled jobs. With a degree of lateral thinking, the hon. Member for Torbay (Kevin Foster) can shoehorn his inquiry into the question of which we are currently treating.

19. [909160] **Kevin Foster** (Torbay) (Con): Thank you, Mr Speaker. As the Minister will be aware, there are a number of small rural post offices in Devon and Cornwall—indeed, a new one is being opened in Torbay. Will she confirm what support the Government will be

making available to ensure that there are trained and skilled job seekers to work in those post offices if they open in my patch?

Kelly Tolhurst: It is true: it has been too long since I have had the opportunity to visit my hon. Friend's part of the country. I have met some of his colleagues to talk about post office opportunities in the south-west. As I have already reiterated, we are committed to delivering those rural post offices.

Sir Edward Davey (Kingston and Surbiton) (LD): As the Minister will be aware, in the Postal Services Act 2011 the House has already given its in-principle agreement to mutualise the post office network. Will she indulge a former Post Office Minister and agree to meet me to discuss how the powers in sections 4 and 5 of the Act could be used to take forward this exciting policy innovation?

Kelly Tolhurst: The right hon. Gentleman is quite correct: the Post Office is at the forefront of looking at new ways in which it can modernise and increase the services delivered through our post offices. I will be more than happy to listen to any suggestions that he has—so, yes, of course, at some point I will meet him.

Small Businesses

16. **Peter Heaton-Jones** (North Devon) (Con): What recent steps he has taken to support small businesses. [909157]

17. **Kevin Hollinrake** (Thirsk and Malton) (Con): What recent steps he has taken to support small businesses. [909158]

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Kelly Tolhurst): In the past five years we have halved late payments and through our call for evidence we are looking at what more we can do to end the scourge of late payments affecting small businesses. In January, we announced £2 million of funding for our business basics programme, supporting 15 innovative projects. We continue to do that as we try to improve productivity.

Peter Heaton-Jones: Many of the excellent small businesses in North Devon are in the hospitality sector. Will the Minister assure me that the Government will continue to support those excellent small businesses, which give such good service to our visitors and tourists?

Kelly Tolhurst: My hon. Friend is absolutely right. North Devon is a wonderful part of the country. The tourism sector is particularly important for our economy, providing 1.6 million jobs across all regions and contributing £67.7 billion in gross value added. The Government are committed to supporting the sector and to continuing to work with small businesses through our industrial strategy and the sector deal that is under way.

Kevin Hollinrake: Sadly, HBOS managers were found guilty of defrauding their own small business customers, yet the Financial Reporting Council has steadfastly refused to seriously consider whistleblower evidence that KPMG and the bank colluded to cover up bank

losses partly attributable to that fraud. What will my hon. Friend do to ensure that this matter is seriously investigated?

Kelly Tolhurst: My hon. Friend raises a really important question. There have been several criticisms of the FRC, which is why the Secretary of State commissioned Sir John Kingman to lead a review of the regulator. We are taking forward Sir John's recommendations to create a stronger regulator with stronger powers. I assure my hon. Friend that I will continue to meet him on the particular issue he raises, so that we can find a resolution.

Stephanie Peacock (Barnsley East) (Lab): Does the Minister agree that we should support workers who keep small businesses like cafes and pubs going? In his so-called "Good Work Plan", the Business Secretary boasted that the Government will ensure that all tips go to workers in full. Where exactly is the Bill that was first promised three years ago?

Kelly Tolhurst: The hon. Lady is quite right. In October last year, we announced that we will bring forward legislation regarding tipping in the next Session. We are committed to doing that. It is this Government who have brought it forward.

Bill Esterson (Sefton Central) (Lab): The Secretary of State for International Trade seems to be hell-bent on destroying our businesses, judging by his support for zero import tariffs. Can the Business Minister confirm that she understands the damage that unilaterally imposing zero import tariffs would do to businesses and jobs in this country? Will she confirm whether she or the Business Secretary will remain as members of the Government if that policy is adopted?

Kelly Tolhurst: I am glad the hon. Gentleman has raised this issue. We engage with the small business community, the wider business community and all business representation organisations on a weekly basis. It is quite right that we consult a plethora of businesses throughout the UK on any decision that will be taken on customs and tariffs. We will take into consideration their views when we set our policy, which will be announced in the near future.

Parental Leave: Children with Severe Illnesses

22. **Rosie Cooper** (West Lancashire) (Lab): What plans his Department has to extend the amount of parental leave for people whose children have severe illnesses. [909163]

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Kelly Tolhurst): The Government are committed to supporting working families. We are conducting a short and focused review of the provisions for parents of premature, sick and multiple babies, focusing primarily on barriers to the labour market. I have met colleagues, Bliss and The Smallest Things.

Rosie Cooper: In response to the Minister's reply, may I ask when that review will commence and when we can expect its conclusions?

Kelly Tolhurst: I thank the hon. Lady for allowing me to talk about this issue. A short internal review has been carried out by my officials and I expect to receive information on that shortly. I have already committed to keeping cross-party colleagues updated and I happily extend that commitment to her.

Topical Questions

T1. [909166] **Mrs Pauline Latham** (Mid Derbyshire) (Con): If he will make a statement on his departmental responsibilities.

The Secretary of State for Business, Energy and Industrial Strategy (Greg Clark): Since our last departmental questions, we have been continuing to implement the industrial strategy. We are doing more, for example, to protect businesses and consumers from online threats, with the Industrial Strategy Challenge Fund backing research to make hardware more secure. As we leave the EU, we are determined to continue to be a pioneer in setting the highest standards, including proposals—currently being consulted on—to expand protections for pregnant women and new parents returning to work after having children.

Mrs Latham: Could the Secretary of State tell us what assessment he has made of the effectiveness of the creative industries sector deal?

Greg Clark: I am grateful to my hon. Friend for her question. It was one of the first sector deals. We were very determined to act on the report of Sir Peter Bazalgette, which celebrated the potential for new jobs to be created. It is going extremely well. Investments are being made in virtual reality, creating new opportunities for small businesses to benefit from the technology that larger ones have.

Rebecca Long Bailey (Salford and Eccles) (Lab): Since the start of the year, the *Financial Times*, *The Observer*, *The Times*, *POLITICO* and *The Spectator*, as well as many specialist publications, have described the looming energy crisis facing the UK following the collapse of plans to develop three nuclear power stations at Wylfa, Moorside and Oldbury, but back in November 2018, the Secretary of State announced that the energy trilemma—the challenge of providing energy that is green, cheap and secure—was coming to an end. Is he still of this view?

Greg Clark: Yes.

Rebecca Long Bailey: That was straight and very to the point. The Secretary of State may have pointed to the falling cost of renewable energy, but he cannot disown his Government's policies, unfortunately, which are plunging that industry from crisis to crisis. New deployment of solar has fallen 90% since 2016. New onshore wind deployment has fallen 80%, so that certainly does not sound like the end of the energy trilemma. With people getting nervous about how we are going to keep the lights on, will he describe in detail where exactly he expects the UK to source low-carbon electricity from by the end of the 2020s?

Greg Clark: We have a proud record of being one of the world's leaders in renewable energy. The proportion of renewable energy on the grid at the moment has hit 33% for the first time in our history. We are the world's leader in offshore wind. The challenges that the hon. Lady identifies come from the fact that energy sources are falling in price. They are more abundant than ever before and we have established ourselves as the place in the world with the technology to be able to deploy them on the grid. She should welcome that.

T2. [909167] **James Duddridge** (Rochford and Southend East) (Con): Jaguar Land Rover in Southend struggles to recruit trained mechanics. As we move towards electric vehicles and more technical vehicles, what more can the Government do to make sure that we fill this skills gap?

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Richard Harrington): That is an excellent point from my hon. Friend, as we would expect. Luckily, we are on the case and have the Automotive Council skills working group, with which we are doing our best to deal with the problem that he mentions as a partnership between Government and industry.

T3. [909168] **Danielle Rowley** (Midlothian) (Lab): My constituents in Midlothian tell me how concerned they are about the catastrophic impacts that climate change will have, and indeed, is already having. What is the Secretary of State's response to the long-term forecast by the Met Office showing that global warming could reach 1.5°, the limit aimed for in the Paris agreement, in just five years? Does he honestly believe that the Government are doing enough within their power to stop this?

The Minister for Energy and Clean Growth (Claire Perry): I am very pleased to assure the hon. Lady that we are not only doing enough, but leading the developed world. Our renewables generation has increased fourfold since 2010. We have decarbonised our economy—as our four nations—more than any other country in the G20, and we were the first industrialised country to seriously look at that shocking Intergovernmental Panel on Climate Change report and ask our own independent Committee on Climate Change for its advice on how we can get to a net zero-carbon economy going forward.

T5. [909171] **Will Quince** (Colchester) (Con): It is concerning that the Department's research has estimated that 54,000 women a year may lose their jobs due to pregnancy or maternity, and that one in nine women has said that they were fired or made redundant when they returned to work after having a child. What steps can my hon. Friend take to address this issue?

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Kelly Tolhurst): I thank my hon. Friend for that question. Let me be clear: pregnancy and maternity discrimination is unacceptable and illegal. That is why, last month, the Government announced a consultation on pregnancy and maternity discrimination. The consultation seeks to extend redundancy protection for pregnant women and it seeks views on

what the Department is doing to tackle pregnancy and maternity discrimination. I point out that this will go beyond what the EU currently allows.

T4. [909169] **Jo Platt** (Leigh) (Lab/Co-op): Some 77% of UK organisations operate with limited cyber-security and resilience. The current strategy is failing to protect business from critical cyber-threats. How will the Department swiftly increase business cyber-resilience?

The Minister for Universities, Science, Research and Innovation (Chris Skidmore): The hon. Lady is correct to say that cyber-resilience must be a key part of our industrial strategy. I was in Northern Ireland last Friday to discuss with organisations how they could be involved in our AI programme and with setting up masters programmes in cyber-security.

T7. [909173] **Derek Thomas** (St Ives) (Con): I was glad to hear of the Minister's offer to visit the south-west and meet our hon. Friend the Member for Torbay (Kevin Foster). Will she continue all the way down to Penzance and meet post offices in my area that are threatened with closure or have already closed?

Kelly Tolhurst: I would love to come to Penzance if time permits—it is an area of the country I would love to visit—and I will continue to work with my hon. Friend to deliver post office services in his region. He is a passionate supporter of the Post Office and I welcome his support for me in my role as the Minister in that area.

T6. [909172] **Louise Haigh** (Sheffield, Heeley) (Lab): It was concerning to hear the Under-Secretary of State for Business, Energy and Industrial Strategy, the hon. Member for Rochester and Strood (Kelly Tolhurst), join the International Trade Secretary just now in failing to rule out zero tariffs in the event of a no deal. Does the Secretary of State not agree that such a move would leave us open to a flood of cheap imports, drive down wages and cost jobs?

Greg Clark: Of course we need to consult—and we are consulting—with businesses and sector organisations to ensure that the right decision is made, but no decision has yet been taken.

T9. [909175] **Peter Heaton-Jones** (North Devon) (Con): In North Devon, we are passionate about doing our bit to tackle climate change. Will the Minister update me on where we are with reducing carbon emissions?

Claire Perry: With much pleasure. We published figures last week showing that we continue to reduce our emissions, which are down 3% year on year. I say again that we are decarbonising faster than any other country in the G20. We are doing our bit domestically as well as internationally with our £6 billion of climate spending, and we have formally put our name forward to host the crucial climate change talks in 2020, although we must remember that other countries are still interested.

T8. [909174] **Neil Gray** (Airdrie and Shotts) (SNP): Healthcare Environmental, based in Shotts, collapsed before Christmas, leaving 150 of my constituents and

450 across the UK redundant. We have managed to sort out redundancy payments for some of those eligible, but they have all lost out on their December pay. Can the Government do anything in a timeous fashion to help the workers get the wages they are due?

Kelly Tolhurst: I recognise the distress felt by constituents in cases of insolvency and where companies cease to trade. The redundancy payment service, operated by the Insolvency Service, has already made statutory redundancy payments to 157 eligible employees. Payments in respect of unpaid wages cannot be made while the company is still not in formal insolvency procedures, but we remain ready to act.

Luke Graham (Ochil and South Perthshire) (Con): My office has been meeting representatives of the Coal Authority to talk about geothermal opportunities in Clackmannanshire in my constituency. Will my right hon. Friend meet me to discuss these opportunities?

Claire Perry: My hon. Friend is a doughty campaigner for what could be a very valuable source of heat from flooded mine workings. It seems apposite to recognise the effort that went into digging them out, and it would be good to use them in our low-carbon future. As he knows, I continue to look at his ideas with great interest.

Dan Jarvis (Barnsley Central) (Lab): Central to economic development in Yorkshire will be the design of the new UK shared prosperity fund. What work is the Secretary of State doing across Government to ensure that the fund works to the maximum benefit of the Yorkshire economy?

Greg Clark: We are having conversations across the UK, including with local leaders, of whom the hon. Gentleman is a distinguished example, and I look forward to continuing those discussions so that we can set out the prospectus.

Anna Soubry (Broxtowe) (Con): My right hon. Friend was right to tell the Business, Energy and Industrial Strategy Committee that business was crying out for clarity on Brexit, but we cannot have that clarity until we have a meaningful vote. Will my right hon. Friend therefore confirm that the Government will bring that meaningful vote back to the House as a matter of urgency? It would be wholly irresponsible for it to be held within a matter of days before we are due to leave the European Union.

Greg Clark: My right hon. Friend is right to say that we need to bring certainty and enable businesses to plan for the future, but she is also fortunate, in that the Prime Minister is about to make a statement on the matter.

Gloria De Piero (Ashfield) (Lab): The mineworkers' pension scheme has boosted Government coffers by billions while ex-miners and their widows receive an average pension of £80 a week. Will the Secretary of State meet miners' representatives and the trustees of the scheme to hammer out a fairer pension deal?

Claire Perry: As the very proud daughter-in-law of a miner's widow who benefits from the scheme, I take its stewardship very seriously. I believe that it will be

debated in the House in a couple of days, and I should be delighted to discuss it further. I should point out that the extraordinary arrangements that were developed between the Government and the trustees have delivered much higher returns to the beneficiaries than similar schemes, but I continue to be happy to meet Members to discuss the issue.

Rachel Reeves (Leeds West) (Lab): On a point of order, Mr Speaker.

Mr Speaker: I am extraordinarily grateful to the hon. Lady, but I think it can wait.

Rachel Reeves *rose*—

Mr Speaker: No, I think it can wait. I look forward to it with interest and enthusiasm, but—

Rachel Reeves: It relates to the questions.

Mr Speaker: It may do, but the Prime Minister is waiting to address the House, and I think that people want to hear her. We will hear the hon. Lady in due course.

Leaving the EU

12.36 pm

The Prime Minister (Mrs Theresa May): With permission, Mr Speaker, I will make a statement on the Government's ongoing work to secure a Brexit deal that honours our commitments to the people of Northern Ireland, commands the support of Parliament, and can be negotiated with the EU.

On 29 January, the House gave me a clear mandate and sent an unequivocal message to the European Union. Last week, I took that message to Brussels. I met President Juncker, President Tusk and the President of the European Parliament, Antonio Tajani. I told them clearly what Parliament wanted in order to unite behind a withdrawal agreement—legally binding changes to the backstop—and I explained to them the three ways in which that could be achieved.

First, the backstop could be replaced with alternative arrangements to avoid a hard border between Northern Ireland and Ireland. Yesterday my right hon. Friend the Secretary of State for Exiting the European Union met Michel Barnier to discuss the ideas put forward by the Alternative Arrangements Working Group, which consists of a number of my right hon. and hon. Friends. I am grateful to them for their work, and we are continuing to explore their ideas. Secondly, there could be a legally binding time limit to the existing backstop, or thirdly, there could be a legally binding unilateral exit clause to that backstop. Given that both sides agree that we do not ever want to use the backstop and that if we did so it would be temporary, we believe it is reasonable to ask for legally binding changes to that effect.

As expected, President Juncker maintained the EU's position that it will not reopen the withdrawal agreement. I set out the UK's position—strengthened by the mandate that the House had given me—that the House needs to see legally binding changes to the backstop, and that that can be achieved by changes to the withdrawal agreement. We agreed that our teams should hold further talks to find a way forward, and President Juncker and I will meet again before the end of February to take stock of those discussions.

So our work continues. The Secretary of State and the Chancellor of the Duchy of Lancaster are in Strasbourg today, and last week the Attorney General was in Dublin to meet his Irish counterpart. Following my own visits to Brussels, Northern Ireland and Ireland last week, I welcomed the Prime Minister of Malta to Downing Street yesterday, and I will be speaking to other EU27 leaders today and throughout the week. The Leader of the Opposition shares the House's concerns about the backstop; I welcome his willingness to sit down and talk to me, and I look forward to continuing our discussions. Indeed, Ministers will be meeting members of his team tomorrow.

I think that there are a number of areas in which the whole House should be able to come together. In particular, I believe that we have a shared determination across the House not to allow the UK's leaving the EU to mean any lowering of standards in relation to workers' rights, environmental protections, or health and safety. I have met trade union representatives and Members on both sides of the House, and my right hon. Friend the Business Secretary is leading work to ensure that we

fully address all concerns about these vital issues. We have already made legally binding commitments to no regression in these areas if we were to enter the backstop, and we are prepared to consider legislating to give these commitments force in UK law. And in the interests of building support across the House, we are also prepared to commit to asking Parliament whether it wishes to follow suit whenever the EU changes its standards in these areas. And of course we do not need to automatically follow EU standards in order to lead the way, as we have done in the past under both Conservative and Labour Governments. The UK has a proud tradition of leading the way in workers' rights whilst maintaining a flexible labour market that has helped deliver an employment rate almost 6 percentage points above the EU average.

Successive Governments of all parties have put in place standards that exceed the minimums set by the EU. A Labour Government gave British workers annual leave and paid maternity leave entitlements well above that required by the European Union. A Conservative-led Government went further than the EU by giving all employees the right to request flexible working; and I was proud to be the Minister for Women and Equalities to introduce shared parental leave so that both parents are able to take on caring responsibilities for their child—something no EU regulation provides for.

When it comes to workers' rights this Parliament has set a higher standard before, and I believe will do so in the future. Indeed we already have plans to repeal the so-called Swedish derogation, which allows employers to pay their agency workers less, and we are committed to enforcing holiday pay for the most vulnerable workers—not just protecting workers' rights, but extending them.

As I set out in my statement two weeks ago, the House also agrees that Parliament must have a much stronger and clearer role in the next phase of the negotiations. Because the political declaration cannot be legally binding and in some areas provides for a spectrum of outcomes, some Members are understandably concerned that they cannot be sure precisely what future relationship it would lead to. By following through on our commitments and giving Parliament that bigger say in the mandate for the next phase, we are determined to address those concerns. The Secretary of State has written to all members of the Exiting the EU Committee seeking their view on engaging Parliament in this next phase of negotiations, and we are also reaching out beyond this House to engage more deeply with businesses, civil society and trade unions.

Everyone in this House knows that the vote for Brexit was about not just changing our relationship with the EU, but changing how things work at home, especially for those in communities who feel they have been left behind. *[Interruption.]* Addressing this and widening opportunities is the mission of this Government that I set out on my first day as Prime Minister, and I will continue to work with Members across the House to do everything we can to help build a country that works for everyone.

But one area where the Leader of the Opposition and I do not agree is on his suggestion that the UK should remain a member of the EU customs union. I would gently point out that the House of Commons has already voted against that, and in any case—*[Interruption.]*

Mr Speaker: Order. There is a lot of noise and heckling, but the record shows that everyone gets a chance to question the Prime Minister. I think it is right that she should have a proper and respectful hearing, and the same courtesy must be extended to the Leader of the Opposition in due course.

The Prime Minister: First, I would gently point out that the House of Commons has already voted against that, and in any case membership of the customs union would be a less desirable outcome than that which is provided for in the political declaration. That would deliver no tariffs, fees, charges or quantitative restrictions across all sectors, and no checks on rules of origin. But crucially it would also provide for the development of an independent trade policy for the UK that would allow us to strike our own trade deals around the world, something the Labour party once supported.

On Thursday, as I promised in the House last month, we will bring forward an amendable motion. This will seek to reaffirm the support of the House for the amended motion from 29 January—namely to support the Government in seeking changes to the backstop and to recognise that negotiations are ongoing. Having secured an agreement with the European Union for further talks, we now need some time to complete that process. When we achieve the progress we need, we will bring forward another meaningful vote, but if the Government have not secured a majority in this House in favour of a withdrawal agreement and a political declaration, the Government will make a statement on Tuesday 26 February and table an amendable motion relating to the statement, and a Minister will move that motion on Wednesday 27 February, thereby enabling the House to vote on it, and on any amendments to it, on that day. As well as making clear what is needed to change in the withdrawal agreement, the House has also reconfirmed its view that it does not want to leave the EU without a deal. The Government agree, but opposing no deal is not enough to stop it. We must agree a deal that this House can support, and that is what I am working to achieve.

I have spoken before about the damage that would be done to public faith in our democracy if this House were to ignore the result of the 2016 referendum. In Northern Ireland last week, I heard again the importance of securing a withdrawal agreement that works for all the people of this United Kingdom. In Belfast I met not just politicians but leaders of civil society and businesses from across the community. Following this House's rejection of the withdrawal agreement, many people in Northern Ireland are worried about what the current uncertainty will mean for them. In this House we often focus on the practical challenges posed by the border in Northern Ireland, but for many people in Northern Ireland, what looms larger is the fear that the seamless border between Ireland and Northern Ireland that helped to make the progress that has followed the Belfast agreement possible might be disrupted. We must not let that happen, and we shall not let that happen.

The talks are at a crucial stage, and we now all need to hold our nerve to get the changes that this House requires and to deliver Brexit on time. By getting the changes we need to the backstop, by protecting and enhancing workers' rights and environmental protections

and by enhancing the role of Parliament in the next phase of negotiations, I believe we can reach a deal that this House can support. We can deliver for the people and the communities that voted for change two and half years ago and whose voices for too long have not been heard. We can honour the result of the referendum, and we can set this country on course for the bright future that every part of this United Kingdom deserves. That is this Government's mission, and we shall not stint in our efforts to fulfil it. I commend this statement to the House.

12.47 pm

Jeremy Corbyn (Islington North) (Lab): I usually thank the Prime Minister for giving me an advance copy of her statements, but this one was handed to me just as I was leaving my office to come down here, so I can only assume that she entrusted it to the Transport Secretary to deliver it to me.

Our country is facing the biggest crisis in a generation, yet the Prime Minister continues to recklessly run down the clock. We were promised that there would be a deal last October; it did not happen. We were promised a meaningful vote on a deal in December; it did not happen. We were told to prepare for a further meaningful vote this week, after the Prime Minister had again promised to secure significant and legally binding changes to the backstop; that has not happened. Now the Prime Minister comes before the House with more excuses and more delays.

In her statement, the Prime Minister has failed to answer even the most basic questions. What progress has she made on identifying and working up the alternative arrangements? Have they been presented to the European Union? If not, when will they be presented? Will she set them out before this House and ask for its approval of them? In truth, it appears that the Prime Minister has just one real tactic: to run down the clock, hoping that Members of this House can be blackmailed into supporting a deeply flawed deal. This is an irresponsible act. She is playing for time, and playing with people's jobs, our economic security and the future of our industries.

Yesterday, growth figures showed the lowest growth since 2012 and our manufacturing sector mired in recession. The decision by Nissan last week to pull its investment from its Sunderland plant may be only the thin end of a very long wedge. Uncertainty and falling confidence in this Government's ability to deliver are putting jobs at risk. The Prime Minister, the Chancellor and the Secretary of State for Business, Energy and Industrial Strategy will be hearing the same warnings as I am: that several major manufacturers—household names employing tens of thousands of people—are poised to follow in Nissan's footsteps.

Earlier today, we heard from the Leader of the House that the next meaningful vote may not happen until after the EU summit on 21 March—just days before Brexit is due to happen. If that is not the case, will the Prime Minister tell the House today when the meaningful vote will be? We also learned from the Leader of the House that any changes to the backstop will not be written into the legally binding withdrawal agreement. Will the Prime Minister confirm that?

Is the Prime Minister really prepared to risk people's livelihoods, jobs and investment in a desperate attempt to push her deeply flawed deal through Parliament? She has just told this House to hold its nerve. Tell that to Nissan workers in Sunderland and the thousands more worried about their job security and the future of their communities. No Minister who is serious about protecting jobs in this country would allow a Prime Minister deliberately to run down the clock and play chicken with people's livelihoods. To stand by and do nothing would be a complete dereliction of duty.

As I received the Prime Minister's letter yesterday in response to Labour's Brexit plan, it became clearer to me that the Prime Minister is merely engaged in the pretence of working across Parliament to find solutions. She has not indicated that she will move one iota away from her rejected deal or any of her red lines. On the backstop, the Prime Minister has pointed out that Labour also has concerns. But let us make no mistake about it—that has never been a major issue with the Prime Minister's deal. In order to stop the UK falling into the backstop, we need a permanent customs union and a strong single market deal. That is the key to maintaining an open border on the island of Ireland and to protecting jobs, industry and living standards in this country. That is why it is backed by businesses that employ and trade unions that represent millions of workers in this country.

To correct the Prime Minister's claim in her statement, we want to negotiate a new UK-EU customs union, as I set out in my letter. The Prime Minister says there is no need to negotiate a customs union as her deal provides for the benefit of being in one, but I am afraid that that is simply not the case. The deal that the Prime Minister negotiated means that there will be barriers to trade in goods and there will be no frictionless trade, putting manufacturers across the country at a huge disadvantage. That is made quite clear in the political declaration when it says that

"the Parties will form separate markets and distinct legal orders" and concedes that that

"can lead to a spectrum of different outcomes for administrative processes as well as checks and controls".

Nothing is secured.

The Prime Minister is also trying to win support for her deal by promising to protect workers' rights after Brexit. Well, just look at the record of the Conservatives. They attacked trade union rights through the Trade Union Act 2016. They kept this House up all night opposing the minimum wage in 1997. They are the party that introduced employment tribunal fees and the public sector pay cap. For many of them, ripping up rights is what Brexit is all about. Take the Secretary of State for International Trade, for example. He once wrote:

"It is too difficult to hire and fire and too expensive to take on new employees. It is intellectually unsustainable to believe that workplace rights should remain untouchable".

It is no wonder that trade union leaders such as Tim Roache of the GMB and Frances O'Grady, the general secretary of the TUC, have rejected the Prime Minister's inadequate pledges. It is also vital that we keep pace with the best consumer safeguards and environmental protections. As if the warnings of the destruction of

our biodiverse natural life are not serious enough, we have to be serious about all environmental protections and indeed make them much stronger.

There is a sensible way forward, but the Prime Minister is refusing to listen. Labour's alternative has been widely welcomed as a way of breaking the impasse by business leaders, European leaders and even some Conservative MPs, but the Prime Minister refuses to listen. I urge all Members to think about the damage that the Prime Minister's strategy is doing—the threat to industry, unskilled jobs and communities all across this country. Now is not the time to stand idly by. Now is the time to stand up and do the right thing, to rule out no deal and to back Labour's alternative plan.

The Prime Minister: The right hon. Gentleman mentioned the announcement by Nissan, but it is important that the House recognises that Nissan has confirmed that none of the current 7,000 jobs at the plant will be lost. It remains committed to the UK and more capital will be invested in Sunderland than was originally planned in 2016. He asked me about the progress on the alternative arrangements and whether they were going to be put before the European Commission. I remind him of what I said in my statement:

"Yesterday my right hon. Friend the Secretary of State for Exiting the European Union met Michel Barnier to discuss the ideas put forward by the Alternative Arrangements Working Group, which consists of a number of my right hon. and hon. Friends."

I think that answers his question.

The right hon. Gentleman talked about Labour's proposals. I referenced the issue with the customs union in my statement, but of course he also talks about being a member of the single market. Being a member of the single market means accepting free movement and one of the things that people voted for when they voted to leave the European Union was to bring an end to free movement. That is what this Government will deliver.

The right hon. Gentleman asked about the dates for votes that are going to take place in this House. I set those out in my statement as well. He referenced businesses quite a lot but, of course, businesses backed the deal—*[Interruption.]* They did. He talked about uncertainty but, of course, the best way to end uncertainty is to vote for a deal. He talked about running down the clock, but I wanted to have this sorted before Christmas. I brought a deal back—*[Interruption.]*

Mr Speaker: Order. Mr Matheson, I have nurtured for a long time an ambition to see you become a statesman. I think you are threatening that prospect with these noisy gesticulations. Be calm—Buddha-like.

The Prime Minister: Thank you, Mr Speaker. The deal was negotiated before Christmas, so it is not I who is trying to run down the clock—*[Interruption.]* It is no good Labour Members who voted against the deal pointing their fingers across the House. Every time somebody votes against a deal, the risk of no deal increases.

The right hon. Gentleman talked about acting in the national interest. Yes, we should be acting in the national interest and the national interest is in getting a deal agreed through this Parliament. That is why we are working with the European Union in everything that we are doing.

[The Prime Minister]

The right hon. Gentleman made several references to the issues of businesses, the issue of jobs and protecting jobs. We are going back to deal with the issue of the backstop, but the deal that we have negotiated with the EU—the political declaration that sets out the future—is a deal that protects jobs. The one thing that we know would threaten jobs in this country would be a Labour Government.

Mr Kenneth Clarke (Rushcliffe) (Con): My right hon. Friend will recall that, when we served together in the Cabinet, the coalition Government were very enthusiastic about the prospect of negotiating EU trade deals with important trading partners around the world, including the prospect of a trade deal with Japan. The Japan deal was concluded on 1 February, and I think it covers a bigger proportion of the global economy than any trade deal negotiated so far. Does the Prime Minister aim to seek a customs arrangement that enables us to continue to enjoy, or to begin to get, the benefits of this important deal after 29 March, or is she insisting that we have to leave it and have our own trade policy, and begin our own negotiations with a country that has a much bigger economy than our own and is likely to demand concessions from the United Kingdom that it was not able to demand from the European Union?

The Prime Minister: My right hon. and learned Friend is absolutely right that the economic partnership agreement with Japan came into force on 1 February. Of course, prior to that, we had been trading with Japan on World Trade Organisation arrangements. It has been the policy of the Government, in relation to the trade deals that have been agreed between the European Union and countries around the world, that we see continuity in those agreements at the point at which we leave the European Union—we have also been working to see continuity were we to leave with no deal—but we also want to ensure that we can enhance our trade arrangements with countries around the world, and so build our own trade agreements with those countries. The best and most sensible approach is to maintain trading relations as they are as we leave the European Union, and then build and enhance those trading relations with our own independent trade agreements.

Ian Blackford (Ross, Skye and Lochaber) (SNP): Sometimes I think the Prime Minister must live in a parallel universe. We have just heard that she wanted this concluded in December. Talk about rewriting history—it was the Prime Minister who denied us the right to have a meaningful vote. [Interruption.] She sits there laughing. Sometimes you should be honest with yourself, never mind being honest with the people of the United Kingdom.

Here we are, once again: a statement from a Prime Minister lost in a Brexit fantasy. We are 45 days from Scotland being dragged out of the European Union against our will, 45 days from economic catastrophe. She talks about Japan. Goods leaving Japan in the next few days will arrive after we leave the European Union, and we do not know what the tariff regime will be for those imported cars and training shoes, or whatever else. The ongoing mess of this Government never ceases to amaze.

Does the Prime Minister understand that EU leaders have refused to budge on any changes to the withdrawal agreement? Donald Tusk said on 6 February that the EU is not making any other offer. What does the Prime Minister not understand in that statement? Why does she not understand that the EU will not reopen the withdrawal agreement that she signed up to? Does she realise the danger of running down the clock? Forty-five days to go, and here we are with a Government who cannot even deliver a ferry contract.

Prime Minister, your response to my letter requesting sight of what economic analysis you have done on your own deal poses more questions than answers. The question is simple: have you done an economic assessment of your deal's impact on the UK economy? I want a simple yes or no.

Prime Minister, you are asking this House to vote on your deal and you cannot even be honest about the economic impact. You expect MPs to vote for this, but your binary choice is simply laughable. A growing number are calling for an extension to article 50. Extend article 50 today.

The Prime Minister's deal is a fraud. Ending freedom of movement and leaving the biggest trading bloc in the world, this will be catastrophic for Scotland. The UK is already suffering the cost of Brexit. Will she put an end to this economic madness?

Prime Minister, as students get set for university applications and as business owners look to prepare for the new financial year, your Government are causing a new wave of uncertainty. We on these Benches refuse to accept Scotland being dragged out of the European Union against our will. Ultimately, Scotland will have a choice: be an independent European nation or remain part of an inward-looking UK. Scotland's voice must be respected.

The Prime Minister: The right hon. Gentleman has been making the same points in response to my statements, regardless of their content, for some time now. He talks about the economic analysis, and we published an economic analysis of the Government's proposals.

Ian Blackford: That's not true.

Mr Speaker: Order. There is plenty of scope for disagreement about what is true and what is not true but, in fairness, I repeat the point that the person who has the floor must be heard.

The Prime Minister: Thank you, Mr Speaker. I say to the right hon. Member for Ross, Skye and Lochaber (Ian Blackford) that, in his intervention from a sedentary position, I think he may have inadvertently misled the House on this matter.

Ian Blackford: Liar.

Mr Speaker: Order. Forgive me, but I did not hear what was said. [HON. MEMBERS: "He said, 'Liar.'"] I hope the word "liar" was not used. [Interruption.] Order. I am perfectly capable of handling this matter with alacrity, and I shall do so. [Interruption.] Order. If that word was used, it must be withdrawn at once without equivocation or qualification. [Interruption.] Order. If a Member on the Front Bench used that

word—I am sorry, but I am not debating it, I am not arguing and I am not negotiating—it must be withdrawn at once.

I admit that I did not see which Member used the word, but I am advised on good authority that it was used by the leader of the Scottish National party. If so—I want the debate to continue, and it will—I simply ask the right hon. Gentleman to withdraw that word. He cannot accuse another Member in this House of dishonesty. Withdraw.

Ian Blackford: In courtesy to yourself, I withdraw. *[Interruption.]*

Mr Speaker: There are plenty of precedents for that. I remember doing it once myself, and I remember a member of the shadow Cabinet, the hon. Member for West Bromwich East (Tom Watson), once doing it out of deference to the Chair rather than out of deference to the person whom he had been attacking. That is enough.

The Prime Minister: Thank you, Mr Speaker. To continue my explanation to the right hon. Member for Ross, Skye and Lochaber, the Government have put forward an economic analysis of their proposed deal. We did that in the economic analysis published before the withdrawal agreement was put before the House. In it we recognised that areas of the political declaration had not yet been confirmed and that variations in relation to the degree of friction across the border would come from that. We could have taken a very low variation, which would have been very close to the Government's deal, and we could have taken a high variation, but we took a midpoint, which is entirely fair for the Government to do. The economic analysis shows that, if we are to honour the referendum, the deal that delivers best for the British economy is the deal that the Government have put forward.

The right hon. Gentleman also talks about putting an end to the current situation. As I have indicated, we can indeed move forward when we have agreed a deal across the House. If he is so concerned about avoiding no deal, I assume that, when a deal is brought back from the European Union, he and SNP Members will vote for it in order to support the future of the United Kingdom.

Once again, the right hon. Gentleman talks about the economic impact on Scotland of leaving the European Union and he talks, virtually in the same breath, about his view that Scotland should be independent from the United Kingdom. *[HON. MEMBERS: "Hear, hear."]* That may raise cheers on the SNP Benches, but it would not raise cheers from those people in Scotland whose economic future depends on being a member of the UK.

Several hon. Members *rose—*

Mr Speaker: Order. Of course there is enormous interest, which, as per usual, I want to accommodate. May I appeal to colleagues at this time, with the country watching us, to have a robust but respectful debate? It is perfectly possible for colleagues to make their points with considerable force but to do so with courtesy. I know we will be led in this matter by a former party leader and a notably courteous right hon. Gentleman, Mr Iain Duncan Smith.

Mr Iain Duncan Smith (Chingford and Woodford Green) (Con): May I thank my right hon. Friend for her statement, in which she referred to the successful amendment tabled by my hon. Friend the Member for Altrincham and Sale West (Sir Graham Brady)? She will recall that its successful passage was heavily based on a thing that has become known as the “Malthouse compromise”. She has also said that this proposal was discussed yesterday in Brussels by the Secretary of State and one of the negotiators. For the avoidance of doubt, will she confirm that this proposal forms part of Government policy?

The Prime Minister: I know my right hon. Friend has been involved in the meetings that have taken place with the Secretary of State for Exiting the European Union, looking at the proposals that have come to be known as the Malthouse compromise. Of course, a number of alternative arrangements have been proposed over the past months. The possibility of alternative arrangements to replace the backstop is recognised by both the UK and the EU in the political declaration that was agreed in November. There are some issues and some questions in respect of the proposals that have been tabled. I raised the issue of alternative arrangements with the European Commission, European Council and European Parliament when I was there last week. As I said, my right hon. Friend the Secretary of State was able to discuss these issues with Michel Barnier yesterday.

As I set out in my previous statement to the House, what people across this House want to ensure is that the backstop, as it currently exists, cannot become a permanent arrangement in which the UK could find itself. There are various ways of dealing with that: as I set out in my previous statement, one is to replace that backstop completely with alternative arrangements; and another is to ensure that the backstop can never be permanent. Those are the issues that have been discussed, but I have laid Parliament's views clearly before the EU.

Sir Vince Cable (Twickenham) (LD): Now that the Prime Minister has reached out to the general secretary of Unite the Union, and to the Leader of the Opposition and his entourage, she is no doubt better informed as to how Trotsky might have dealt with the Brexit crisis. But will she elaborate a little more on her discussions with the general secretary of the TUC and its 6 million affiliated members, and the official Brexit spokesman of the Labour party, who have made it very clear that the best way to protect workers' rights is to give workers a say on the final deal, and the option of remaining in the EU and keeping the workers' rights they already have?

The Prime Minister: I say to the right hon. Gentleman that the issue I have discussed with trade union leaders, the secretary general of the TUC and Members from across this House is the concern to ensure that there is no reduction in workers' rights in the UK, a commitment that this Government have given and will continue to meet.

Nicky Morgan (Loughborough) (Con): I agree with the Prime Minister, and have done for many months, that the best way to avoid a no-deal outcome to Brexit is to have a deal put in place. That is why I have been pleased, at the request of the Prime Minister, to work as part of the alternative arrangements working group. But is it not now clear that to get that agreement through the House those alternative arrangements are

[Nicky Morgan]

going to have to command the confidence of a majority of Members on this side, our confidence and supply partners, and some Labour MPs? The tenor of the Leader of the Opposition's response today shows that, unfortunately, working on a cross-party basis is unlikely to deliver a vote for the agreement and certainly not continued votes for the necessary legislation. That is the reality of the parliamentary arithmetic, isn't it?

The Prime Minister: I thank my right hon. Friend for the work she has been doing on the issue of alternative arrangements. Obviously, I want to see a deal that can get through the House, supported by all Members from my party and by our confidence and supply partners, but it is in the interests of this Parliament and of taking legislation forward to see a strong vote from across the whole House on this issue. As she has said, the tone of the response by the Leader of the Opposition did not give much encouragement on that issue, but we will continue to talk with the Labour party Front-Bench team. As I said, the Brexit Secretary and other members of the ministerial team will be meeting the Leader of the Opposition's team to take forward those discussions and to explore the issues that the Labour party wishes to raise.

Hilary Benn (Leeds Central) (Lab): Although strength in pursuit of a principle is to be admired, inflexibility and denial in the face of the facts is not, especially when the future of the country is at stake. The facts are that alternative arrangements for the Northern Ireland border were examined extensively last summer and found wanting; that the EU has made it clear that it will not reopen the withdrawal agreement; that the rolling over of the trade deals that the Father of the House referred to is not going well; and that businesses are spending millions of pounds and pulling their hair out because they fear the prospect of a no-deal Brexit on 29 March. I do not believe that the Prime Minister would do that to our country. I do not think that Ministers would allow her to do it, so why does she continue to pretend that she might?

The Prime Minister: I have consistently said—and I made the point in my statement this afternoon—that what I want and what the Government want is a deal with the European Union. But there is only one way to ensure that we avoid no deal. I know I say this a lot, and I know right hon. and hon. Members shout out at it and so forth, but if they do not want no deal, they have to agree a deal.

Sir William Cash (Stone) (Con): My right hon. Friend is facing intransigence both from the undemocratic EU and from MPs who voted for the European Union Referendum Act 2015, the European Union (Notification of Withdrawal) Act 2017, the European Union (Withdrawal) Act 2018 and the repeal of the European Communities Act 1972 but who are now trying to reverse this with their own votes. She has not signed the withdrawal agreement, which itself contains undemocratic and unconstitutional features, including the backstop and article 4, which removes control over our lawmaking. If this undemocratic intransigence continues, will she therefore walk away from the negotiations?

The Prime Minister: Obviously, what we are doing now is working with the EU to achieve what this Parliament has said it wants to see achieved, notably legally binding changes to the backstop that deal with the issues that have been raised by this Parliament. I continue to work on those points, but my hon. Friend made a very important point at the beginning of his question, which is that Members from across this House overwhelmingly voted for a referendum. It was clear at the time that this House would respect the result of the referendum. The Government of the time made it clear that we would respect the result of the referendum. This House overwhelmingly voted to trigger article 50. Article 50 had a two-year timeline to it, which ends on 29 March, and this House voted for the withdrawal agreement Act. At every stage so far this House has been willing to put into place the result of the referendum. What the House now needs to do is agree a deal, so that we can leave on 29 March and progress on to the next stage of negotiations and progress on to a brighter future.

Yvette Cooper (Normanton, Pontefract and Castleford) (Lab): The country's counter-terror chief has said that no deal would be a "very serious flaw" in our security arrangements. The police chief in charge of preparing for Brexit has said that no deal would leave us less safe. The Prime Minister and I have always previously agreed on the importance of not undermining our national security or public safety, but she knows that her continued delays have increased the risks of no deal on 29 March, so if she has failed by the middle of March to persuade this House to back a deal, is she still ruling out extending article 50—yes or no?

The Prime Minister: The extension of article 50 does not solve the problem. The only way to solve the problem of having no deal is to agree a deal. The right hon. Lady says that my delays have caused the position we are in. We are in this position because I negotiated a deal with the European Union and brought it back to the House of Commons, and the House of Commons, including Members on her side of the House, rejected that deal. We are now working to address the issue raised by the positive vote that the House of Commons gave on 29 January. That vote ensured it was clear what changes the House of Commons felt were necessary to agree a deal.

Heidi Allen (South Cambridgeshire) (Con): We are all acutely aware that time is racing away, which is why more and more Members are saying we must extend article 50. We also need time for all the necessary legislation. Will the Prime Minister confirm that in the numerous statutory instruments being laid that are not debated, there is not one planned for next week, when some MPs may be away, committing us to zero tariffs in the event of no deal? Zero tariffs would decimate our agriculture and food industries and start a race to a bottom. Such a significant decision would have far-reaching consequences and would demand full parliamentary scrutiny.

The Prime Minister: There will be a number of statutory instruments that the House will be addressing. The House will be working hard on Brexit arrangements next week. On the issue of tariffs in the event of no deal, discussions are still being undertaken with businesses and other sectors.

Edward Miliband (Doncaster North) (Lab): Further to the question from my right hon. Friend the Member for Leeds Central (Hilary Benn), can the Prime Minister now give millions of people and businesses across the country a simple answer to this straight question: if she is faced with a choice of leaving the European Union without a deal on 29 March or seeking an extension of article 50, what will she do? We deserve to know the answer to that question.

The Prime Minister: What I am doing is working to ensure that we can bring a deal back to the House. It will then be for the right hon. Gentleman and other Members of the House to determine whether they want to support a deal with the European Union.

Mr David Davis (Haltemprice and Howden) (Con): The Leader of the Opposition and the leader of the Liberal party both implicitly criticised the UK Government's record on workers' rights in comparison to Europe. They both ignored the fundamental right of safety in the workplace, on which we have had the best record in Europe in every year since we joined, so there is little to fear in this area. Given that, will the Prime Minister guarantee to the House that any future changes in this area will be subject to the control of the House?

The Prime Minister: My right hon. Friend makes a very important point about the good record this country has on workers' rights. I can confirm that I believe we should not just be automatically following what happens in Europe in this area; we should be making those decisions, and it is important that we in this country and this House make those decisions. With our record of going further and having better workers' rights than a number of areas of the European Union, that makes sense.

Nigel Dodds (Belfast North) (DUP): The Prime Minister referenced the fact that there are concerns in Northern Ireland about maintaining the seamless border between Northern Ireland and the Irish Republic, but she should also reference, as she knows, the grave concern among many in Northern Ireland about creating new barriers between Northern Ireland and the rest of the United Kingdom, given that we trade more with the rest of the United Kingdom than the Irish Republic, the rest of the EU and the rest of the world put together. Neither barrier is necessary or needed under any scenario. The Prime Minister and the House know what is needed to pass the withdrawal agreement, so will she confirm that the stance taken by Leo Varadkar—we met him in Belfast on Friday in a very cordial meeting—and others could lead to the very outcome that they say they wish to avoid?

The Prime Minister: The right hon. Gentleman is absolutely right about the concerns that have been expressed about the trading relationship between Northern Ireland and Great Britain and the issue of potential regulatory barriers. It is an issue that he and I have discussed on a number of occasions. We talk here about what it takes in this House to ensure that we agree a deal, but that deal has to be agreed with the European Union, and that means that all members of the EU27 have to agree that deal. I was able to have cordial and constructive talks with the Taoiseach on Friday. The right hon. Gentleman referenced his own talks. I hope,

trust and believe that all sitting around the table want to ensure we deliver a deal that delivers on the commitments for the people of Northern Ireland and that can pass this House and be agreed by the EU.

Boris Johnson (Uxbridge and South Ruislip) (Con): I congratulate my right hon. Friend on what she is doing to extricate this country from the humiliation of the backstop, in accordance with the overwhelming wishes of the House, but will she confirm that there is no point having a time limit on the backstop unless that is written into the treaty itself and unless the end date falls substantially before the next general election?

The Prime Minister: As my right hon. Friend already knows, I want to see the future relationship in place by the beginning of 2021, which is well in advance of the next general election. The other point he made is absolutely the point I have been making to the European Union. One of the concerns of this House was that any assurances given on the temporary nature of the backstop in early January were not of the same legal form as the international treaty that forms the withdrawal agreement. That is why we are asking for the assurances to have a legally binding status. The obvious way to do that is within the withdrawal agreement.

Rachel Reeves (Leeds West) (Lab): I say to the right hon. Member for Uxbridge and South Ruislip (Boris Johnson) that the humiliation this country faces is losing jobs and investment. That is the issue we should be focusing on.

The Business Secretary told our Select Committee last week that Friday 15 February is the deadline for getting a deal for businesses that export to the far east, as shipments take six weeks to arrive. Does the Prime Minister agree with the Business Secretary? Will she guarantee that those free trade agreements that we enjoy today will still exist when those goods arrive on 29 March?

The Prime Minister: We are well aware of the timetables that businesses are working to. That is why we have been pressing and working hard to get the deal agreed by the House and the European Union. It is also the case that we are working on those trade agreements. A number of continuity agreements have been signed with trading nations around the world to ensure that we can continue to trade on the current arrangements.

Mr Dominic Grieve (Beaconsfield) (Con): I welcome the categorical assurance that my right hon. Friend has given the House in respect of the House's ability to debate a neutral motion on Wednesday 27 February, but time is very short. Can she explain to the House how we will comply with the provisions of section 20 of the Constitutional Reform and Governance Act 2010 if there is a deal? How will we implement the withdrawal agreement and implementation Bill and still leave on 29 March? Is it not the case that looked at realistically, there will have to be an application to extend the article 50 process, even if my right hon. Friend is successful in getting some kind of agreement through the House?

The Prime Minister: As my right hon. and learned Friend said, the European Union (Withdrawal) Act 2018 makes clear that the provisions of the 2010 Act apply to the withdrawal agreement and require it to be laid

[*The Prime Minister*]

before Parliament for 21 sitting days. In most circumstances, that period may be important for the House to have an opportunity to study a piece of legislation, but in this instance, MPs will already have debated and approved the agreement as part of the meaningful vote. While we will follow normal procedure if we can, where there is insufficient time remaining following a successful meaningful vote, we will make provision in the withdrawal agreement Bill, with Parliament's consent, to ensure that we are able to ratify on time to guarantee our exit in an orderly way.

Liz Saville Roberts (Dwyfor Meirionnydd) (PC): Let us remember what this looks like to anxious people outside this place. It looks like what it is: a Prime Minister buying time in a disingenuous, transparent attempt to run down the clock and force MPs from all four nations of the UK to back her, with a no-deal done deal looming large. Has she at any point in her accelerated timeline considered how and when she will gain legislative consent from the devolved Parliaments on the withdrawal agreement Bill, which will no doubt encroach on their competencies?

The Prime Minister: The hon. Lady talks about buying time. I am taking the very clear message given by this House of Commons to the European Union to negotiate changes to the deal, such that this House of Commons will have confidence and be able to agree the deal.

Dominic Raab (Esher and Walton) (Con): I welcome the Prime Minister's statement. Does she agree that requiring legally binding changes to the backstop is not only reasonable but essential if we are to pass the deal through this House? While Brexit was the UK's choice, if Brussels remains stubbornly intransigent, a departure on World Trade Organisation terms would be the EU's choice.

The Prime Minister: The point that my right hon. Friend makes about the legally binding nature of the changes is important. This House has been clear about those issues, and, as I mentioned in an earlier response, I have raised with the European Union this question of the different legal force of the commitments that have been made so far and the concern that the withdrawal agreement in the international treaty would currently take precedence over the legal assurances that were given in the separate letter about the temporary nature of the backstop. It is the equivalence of that legally binding nature, to make sure that the withdrawal agreement cannot then trump anything extra, that is important.

Luciana Berger (Liverpool, Wavertree) (Lab/Co-op): The whole House will have heard the Prime Minister's response to the important question from the right hon. and learned Member for Beaconsfield (Mr Grieve) about the withdrawal agreement and implementation Bill. It will also have heard the Prime Minister's response that she does not intend to honour the 21-day period needed to lay it. We have not seen the draft of the Bill, yet it deals with very, very thorny issues about the divorce bill when we leave, EU citizens' rights, the supremacy of European law during the transition period and the consent to remain under the jurisdiction of the European

Court of Justice during that period. How on earth does the Prime Minister expect Members from all parts of this House to consent to that legislation without seeing a draft of it at this moment in time? Will she not acknowledge that there is no chance that she will pass that legislation in 45 days' time? On that basis, will she commit to extending article 50 so that we do not crash out with no deal, threatening jobs right up and down this country?

The Prime Minister: I thank the hon. Lady for her question. She has raised an important point about the timetable, which was mentioned by my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve). As I said, the 21 days in the Constitutional Reform and Governance Act 2010 are normally there because there has not been an opportunity for the House to see the nature of the agreement that it is considering. In this case, of course, the House would already have had an opportunity to approve the agreement. We are looking for changes in the agreement, but the vast majority of the agreement will not be changed in the discussions that we are having with the European Union, and the House has already been able to look at that as part of the meaningful vote. I am sure that, when a meaningful vote has been agreed on in this House, every Member will want to ensure that they are able to operate on a timetable that enables us to leave at the end of the two-year period, which was agreed by this House when we triggered article 50.

Justine Greening (Putney) (Con): The Prime Minister is driving this House towards two options that the British people do not want. We have already voted in this House against having a no-deal departure, and we have also already massively voted against her own prime ministerial deal with Brussels. She has simply turned this exercise now into one of cobbling together enough support to win a vote in this House when, actually, we deserve so much more than that. It is not just about getting the ERG on board, or getting enough Labour MPs to switch sides, but about getting the British people on board for the future that lies ahead. That takes more than just votes here, more than just the results of grubby backroom deals. Is it not time to recognise that the only responsible action ahead of us is to go back to the people and get their seal of approval?

The Prime Minister: I have responded to questions of that ilk from my right hon. Friend on a number of occasions, and I have not changed my opinion. It is important that this House recognises that, having given the choice to the British people as to whether to leave or to stay in the European Union and having received the choice of the British people, we should respect that choice and deliver on it, and that is what we are doing.

Joanna Cherry (Edinburgh South West) (SNP): I note that, during her statement, the Prime Minister said that she had secured an agreement with the EU for further talks. I am sure that she used the word "talks" advisedly, because when the Brexit Committee was in Brussels last week, we were told very clearly that the negotiations were over and that they ended in November when the Prime Minister shook hands on the deal to which she had agreed. Is not the reality quite simply this: that deal will not be changed by the EU? She

cannot get that deal through this House, so what she needs to do is put the deal to the people of the four nations of the United Kingdom.

The Prime Minister: I have just answered exactly that question in relation to a vote, and my view has not changed in the 30 seconds or so since I answered my right hon. Friend the Member for Putney (Justine Greening).

Mr Owen Paterson (North Shropshire) (Con): The Malthouse compromise, if adopted, would deliver the requirement of the amendment put down by my hon. Friend the Member for Altrincham and Sale West (Sir Graham Brady) and passed, which was to replace the backstop. The Prime Minister's comments just now to my right hon. Friends the Members for Chingford and Woodford Green (Mr Duncan Smith) and for Loughborough (Nicky Morgan) were really encouraging. Will she commit to instructing civil servants both in Brussels and in Westminster to work these proposals up into legal text?

The Prime Minister: I believe that my right hon. Friend, along with some of my other right hon. Friends, previously indicated to me that he understood that work done by others outside this House had indeed contributed to a potential legal text. I know that meetings are continuing with officials to look at the issues that have been raised around the alternative arrangements. I have indicated what has happened in relation to that in Brussels, and we will continue to work on those alternative arrangements.

Mr Chris Leslie (Nottingham East) (Lab/Co-op): Essentially, the Prime Minister is asking us to please give her more time to convert base metals into gold, but is it not a complete fantasy to expect the Irish Government to put a time limit on the Good Friday agreement? We should not expect them to do that. Unless colleagues across the House take some responsibility on Thursday and snap out of this delusion right now, we will be at the mercy of this Prime Minister's run-the-clock-down strategy.

The Prime Minister: The hon. Gentleman talks about the issue of the time limit—he described it as a time limit on the Good Friday agreement. No, it would not be a time limit on the Good Friday agreement. This Government remain absolutely committed to the Belfast/Good Friday agreement and to the commitments and obligations that we have within that agreement. We all remain committed to ensuring that there is no hard border between Northern Ireland and Ireland. I have always said, as has the Taoiseach, that the best way of delivering that is in the future relationship, and that is what we are working to do.

Sir Nicholas Soames (Mid Sussex) (Con): May I reassure the Prime Minister that I am holding my nerve like anything? Will she therefore confirm that it remains at the heart of the Government's policy, in the national interest, to secure a deal, which, at the end of the day, will achieve the closest possible political, economic and security relationship with our friends and allies in the European Union?

The Prime Minister: I thank my right hon. Friend for holding his nerve. May I reassure him that, obviously, what we are doing in negotiating this deal is ensuring that we deliver on the referendum? We will be leaving the European Union, but its countries are our closest neighbours and it remains in the interests of this country, and the European Union, for there to be a close relationship between the UK and the EU in future. We have set out proposals for that future close relationship and, obviously, the second stage of negotiations will be putting that relationship into legal text.

Kate Hoey (Vauxhall) (Lab): The Prime Minister was quite right to rule out again staying in a customs union, which was not on the manifesto of either of the two main parties. *[Interruption.]* The customs union. Does she think that we might perhaps change the wording in talking about no deal? If we cannot get an agreement, then surely we can go over to the WTO and use article 24. It is not crashing out. People voted to leave; they did not vote for a deal as such. They voted to leave, and we need to leave on 29 March.

The Prime Minister: Obviously, the hon. Lady and a number of Members in this House have raised the issue of World Trade Organisation arrangements. Of course, there are many parts of the world that we currently trade with—not just with the European Union—on what are EU terms of trade rather than WTO terms. I continue to believe that the best route for this country is to leave with a deal, which is why we are working so hard to get the changes that this Parliament requested.

Stephen Crabb (Preseli Pembrokeshire) (Con): I welcome the tone that the Prime Minister struck last week in her meeting with businesses in Northern Ireland, where she indicated that she would be seeking changes to the backstop, rather than its wholesale replacement. Is it worth underlining again today the reason why the backstop is there and the important purpose that it serves—namely, locking in something good amidst all the other uncertainty that is going on?

The Prime Minister: My right hon. Friend makes an important point. We all want to see the continuation of the progress that has been made in Northern Ireland, and the economic situation for people in Northern Ireland being enhanced and improved in the coming years. The seamless border is an important part of the progress that has been achieved. I was pleased to be able to go to Belfast and reaffirm our commitment to the Belfast/Good Friday agreement, which is unshakeable. There had been some concerns in Northern Ireland, but I was able to allay them. This Government remain absolutely committed to the Belfast/Good Friday agreement and the progress that has been achieved in Northern Ireland following that agreement.

Liz Kendall (Leicester West) (Lab): The Prime Minister rightly said that the political declaration is not legally binding, but can she guarantee that she will still be in her job when our future relationship with the EU is finally agreed? If not, why would any of us take any of her assurances, given that she will not be the Prime Minister who does the final deal?

The Prime Minister: I am committed to ensuring that we are able to deliver on the political declaration and negotiate a future relationship that delivers for the people of this country.

Liz Kendall *indicated dissent.*

The Prime Minister: The hon. Lady may shake her head. There are elements of the political declaration that are still for debate, and I recognise that there will be rigorous debate on some of those elements. In short, we want to ensure that when we come to the end of the implementation period, we have that close economic and security relationship with the European Union.

Sir Desmond Swayne (New Forest West) (Con): I hope that there is not a special place somewhere in particular for those of us who take a rather literal interpretation of the word “replace”.

The Prime Minister: My right hon. Friend has always held a special place in my estimation and, indeed, in that of Members across the House, and I would not suggest that he would be going to any other special place.

Patricia Gibson (North Ayrshire and Arran) (SNP): Many of my constituents who live with serious health conditions are very concerned about the disruption to the supply of medicines upon which they rely. Should doctors be writing prescriptions to permit patients to stockpile medical supplies, or can the Prime Minister guarantee today—a mere 45 days from Brexit—that there will be no disruption to medical supplies post Brexit?

The Prime Minister: We are working with suppliers that provide medicines to the UK to ensure that there will be a continuity of supply and that patients will continue to receive the medicines they need in all scenarios, including in the case of no deal, so that patients will not need to, and should not seek to, secure and store additional medicines at home. We have already agreed that medicines and medical products, including medicines that can be bought in shops, will be prioritised to ensure that the flow of all these products will continue unrestricted after 29 March 2019. My right hon. Friend the Health Secretary wrote to health and care providers in December about the preparations for no deal, and we have been discussing with the Scottish Government, the Welsh Government and the Northern Ireland civil service the arrangements that will pertain in those locations.

Anna Soubry (Broxtowe) (Con): The Prime Minister tells us that she has a mandate to go back and renegotiate the backstop by virtue of the amendment that was passed on 29 January. But by a bigger margin and on a cross-party basis, this place gave her another mandate, which was to take no deal off the table. We have voted to reject her deal and we have voted to reject no deal, but not only is the Prime Minister kicking the can down the road yet again, she also again refuses to take no deal off the table. This is in the face of the analysis and advice of the civil servants who have informed the Cabinet, which has debated this issue, of the profoundly bad consequences—in the words of the Business Secretary, the “ruinous” situation—that we would face in the

event of no deal. When will the Prime Minister publish that advice and analysis so that my constituents can understand why no deal is no option for this country?

The Prime Minister: My right hon. Friend is obviously right about the votes that took place in this House. However, the amendment tabled by my hon. Friend the Member for Altrincham and Sale West (Sir Graham Brady), which was voted for on a cross-party basis, also referenced the fact that this House wanted to leave the European Union with a deal, and that is what we are working for. I repeat to my right hon. Friend that we cannot just say that we do not want to have no deal; we can ensure that there is not a no-deal situation only by agreeing a deal.

Laura Smith (Crewe and Nantwich) (Lab): A common external tariff would mean reduced friction in the trade of goods, which would be hugely beneficial for our manufacturing sector. A new customs union would achieve this and would not, as I understand it, prevent us from striking our own trade deals in services. Why, then, is the Prime Minister ruling out this alternative arrangement for the backstop, and why is she so confident that the benefits of setting new tariffs outweigh the negative impacts of increased friction and costs throughout supply chains?

The Prime Minister: The description of the situation given by the hon. Lady is not one that I recognise. If she cares to look at the political declaration—

Laura Smith: I have.

The Prime Minister: The hon. Lady says that she has looked at the political declaration, and we make it clear in that declaration that the future relationship will have no tariffs, quotas or restrictions of that sort. She asked why not a customs union. The customs union requires us not to be able to strike our own trade deals. The benefit of the deal that has been agreed and that the Government first put forward is that we would achieve the benefits of no tariffs, no quotas and no restrictions at the same time as being able to negotiate our own trade deals.

Mrs Anne Main (St Albans) (Con): My right hon. Friend the Prime Minister referred several times to the need for legal certainty. The response today from the Attorney General to a question that I asked on this very matter suggested that he was always willing to assist the House in being able to find that legal certainty. May I ask that any changes negotiated are brought back to the House, and that the Attorney General gives us the benefit of that advice? The legal certainty is what will make many colleagues feel that they can or cannot support something.

The Prime Minister: I recognise hon. Members’ concerns regarding the legally binding nature of any changes that are achieved. Of course, the Attorney General will make information available to the House to enable the House to take its decision.

Caroline Lucas (Brighton, Pavilion) (Green): While the Prime Minister is happy to kick the can down the road for yet another two weeks, over 3 million EU

nationals are living in appalling uncertainty. As it stands, the Home Office's EU settlement scheme could leave hundreds of thousands of EU nationals undocumented and at risk from the hostile environment, so will the Prime Minister accept that only a declaratory system, under which those resident in the UK before 29 March are automatically granted leave to remain, would protect all citizens' rights, as she claims she wants to do?

The Prime Minister: We have put forward a sensible and reasonable scheme. We have said that we will guarantee rights for EU citizens here in the UK, even in the event of no deal, so this would not only pertain in the event of a deal. As the hon. Lady will know, no fee will be required on the full roll-out of the settlement scheme, and we will reimburse any fees that have been paid in the pilots. However, we retain the right to ensure that it is possible for this country to determine that individuals who perhaps have a particular criminal record are not in this country, and that is a right that we will look at across the board. The sort of situation that the hon. Lady suggests is therefore not right. We have a good scheme that is easy to use and for which there will be no charge.

Richard Graham (Gloucester) (Con): I am more optimistic than other members of the Brexit Select Committee; I believe that the EU can and will agree to make legally binding changes that will enable the Attorney General to give revised advice on our not being tied indefinitely into a customs union against our will. But if my right hon. Friend comes back to the House with those changes, at that stage it is surely the responsibility of us all as MPs to support the Bill, get the business done and accept responsibility for that. Does my right hon. Friend agree that any attempt by MPs to pre-position ourselves as blaming the EU for no deal would be a severe dereliction of duty?

The Prime Minister: I certainly agree with my hon. Friend that at the point at which a meaningful vote is brought back to this House, it will be the responsibility of every Member of this House to determine their vote according to the nature of that deal and, of course, according to the views that they feel about no deal. It is the case that the only way to avoid no deal other than—I am sorry, Mr Speaker; I may inadvertently have misled the House myself earlier when I said that the only way to avoid no deal was to agree a deal. Of course, it is possible to avoid no deal by staying in the European Union, but we are not going to do that. *[Interruption.]* We are not going to do that because that would be going back on the vote of the people of this country. We will be leaving the European Union, and when the deal comes back it will be the responsibility, as my hon. Friend says, of every Member of this House to determine whether or not we move forward with that deal.

Mr Ben Bradshaw (Exeter) (Lab): With the Prime Minister recklessly running down the clock to a crash-out Brexit, can I say to the responsible members of her Government that if they fail to act soon to prevent such a calamity, history will judge them very, very harshly? But can I also say to my own Front Benchers that now the Government have rejected our offer, if they fail to

honour the unanimously agreed policy at our conference in favour of a public vote, they too will be judged very harshly by history?

The Prime Minister: The second part of that question was not addressed to me, so I will not be responding to it. The right hon. Gentleman stands up and says that we are recklessly running down the clock in order to crash out with no deal. That is not the case. If that was the case, I would not be spending time talking to EU leaders, going to Brussels, going to Dublin, and trying to work out a way that we can find to deliver on a deal that respects the concerns raised by this House and that will get through this Parliament.

Vicky Ford (Chelmsford) (Con): The organisation Leave Means Leave is telling my constituents that we can walk away from the EU with no agreement but also be a global champion for free trade. Does my right hon. Friend agree that this is totally illogical, and that if we want to be a global champion for free trade, our first act should be to agree an agreement with our largest trading partner?

The Prime Minister: My hon. Friend has made an important point, which is that if it is the case that we believe that we want to make trade agreements with countries around the world on terms other than WTO terms, then it also makes sense to make a trading agreement—and we have a very good one proposed by the Government—with the European Union, and that is what we will work to achieve.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): The Prime Minister might remember that I congratulated her on trying to speak to a wider group of people and to speak to the Opposition and do all those things that she started doing. From where I am standing, I do not think she has completed that job. I thought there were some good signs this week that there was a discourse and an exchange of views, and we could have seen that in this House there is actually probably a majority for a sensible course forward. On the other hand, can I remind her that outside here, since the referendum, there has been a fantastic change in the national mood? As I go around and speak to people—reasonable people, not the extremists—I find an urgent desire to get this sorted with a second referendum and a people's vote.

The Prime Minister: Certainly, when I go on the doorsteps, I do get from people an urgent desire to get this sorted—not to get a second referendum and a people's vote but actually to deliver on the first vote and, to do so, to leave the European Union on 29 March.

Mr John Baron (Basildon and Billericay) (Con): The Prime Minister is absolutely right to hold her nerve. The EU could write the textbook on 11th-hour deals. Most colleagues in this place prefer a good deal to no deal, but can she reassure the House that should we leave on 29 March on no-deal WTO terms, we are sufficiently prepared?

The Prime Minister: We are indeed. We have ramped up our preparations. We are continuing our preparations for no deal. We are engaging not just with Government Departments but with the devolved Administrations

[*The Prime Minister*]

and with the Northern Ireland civil service. We are engaging with local authorities up and down the country, and obviously working with businesses and those who would need to make alterations to their operations in the event of no deal. We continue to ramp up those preparations.

Angela Smith (Penistone and Stocksbridge) (Lab): We hear a lot about the reasons, or the assumed reasons, why people voted to leave the EU, but one thing I am sure about: the people of this country are demanding effective leadership on this issue and they feel absolutely that they are not getting it from anywhere—anywhere—on the political landscape. If the Prime Minister's attempts to keep her party together by getting the ERG on board fail, will she accept, at that point, the need to build a consensus properly across the House, and that the easiest way, potentially, of reaching that consensus will be to get her deal over the line, as it stands now, by accepting the case for putting it to the people for ratification?

The Prime Minister: The hon. Lady and I have a different view in relation to a second referendum, as I have expressed earlier. I think it is important that we deliver on the referendum that took place in 2016, but it is also important that as we do that, we do it in a way that obviously needs to command support from this House. I want to see support from across this House. I think that a strong show of support for a deal across the whole House will be important as we move forward into dealing with the legislation, and for other reasons too. I naturally want my colleagues and our confidence and supply partners to support the deal, but, as I say, I look to having a deal that I can bring back that will command strong support across the House.

Richard Drax (South Dorset) (Con): My right hon. Friend has repeatedly said that no deal is better than a bad deal. The last deal she put to the House failed, and I welcome her attempts to go back to the EU to strike a better one. But does she agree that to get that better deal, we have to keep no deal on the table as a negotiating tool? Take it off, and no deal—no fair deal—will be struck.

The Prime Minister: I agree with my hon. Friend that we do need to ensure in the negotiations that people recognise the options that are available. As I have said to a number of Members, we are not going to stay in the European Union, so the only other way of not having no deal is to agree a deal. We cannot simply say that we do not want no deal and then not deliver a deal that ensures that we do not have no deal.

Sammy Wilson (East Antrim) (DUP): This week, the European Commission published a document spelling out the implications of the withdrawal agreement. It made it quite clear that Northern Ireland would have to “maintain...regulatory alignment with the EU”, that the EU's customs code would “continue to apply” to Northern Ireland, and that that would mean “systematic” checks on all “goods travelling from the rest of the UK to Northern Ireland”

at all ports and airports. That would rip apart the United Kingdom. To use the Prime Minister's own words, will she ensure that that must not happen and will not happen?

The Prime Minister: I am as clear as the hon. Gentleman is that we want to ensure that we will keep the United Kingdom together. It was precisely in order to avoid that sort of customs border between GB and Northern Ireland that led to us negotiating the UK customs-wide territory in the withdrawal agreement—in the backstop as it currently appears in the withdrawal agreement. On the issue in relation to regulatory changes, of course we have indicated commitments that the UK Government would be able to make in relation to that situation as we would be respecting what we committed to in the December joint report. I am absolutely clear that everything this Government will be doing we will be doing to ensure that we keep the United Kingdom together. That means keeping Northern Ireland as part of the United Kingdom—England, Scotland and Wales, as well.

Mr Mark Francois (Rayleigh and Wickford) (Con): I welcome the Prime Minister's statement, particularly her very clear exposition of why she does not want to remain in the customs union: because it would materially fetter our ability to do international trade deals in our own right. She is absolutely correct in that. Can I ask her to confirm that that position is wholly consistent with the 2017 Conservative manifesto, and will therefore enjoy strong support from all parts of these Benches, whether we have been sent to hell or not?

The Prime Minister: I believe it is consistent with our manifesto. It is also consistent with the original set of principles that I set out in the Lancaster House speech, which many Members refer to.

Meg Hillier (Hackney South and Shoreditch) (Lab/Co-op): The Prime Minister has talked about wanting to achieve an orderly Brexit, but the Public Accounts Committee has carried out a lot of work which shows that even with a deal, Brexit will be far from orderly. In the light of that and the points raised by the right hon. and learned Member for Beaconsfield (Mr Grieve) about the constitutional challenge of getting the deal through, will she commit today to not ruling out extension of article 50, to ensure that whatever happens, this country is prepared?

The Prime Minister: We will ensure that this country is prepared. The hon. Lady refers to an orderly Brexit. The deal that we negotiated—setting aside the issue of the backstop and the changes to that required by the House—provides for an implementation period, which provides an orderly progression to the future relationship. That is what we are working for, and that is what I hope the House will find its way to agreeing.

Zac Goldsmith (Richmond Park) (Con): Can the Prime Minister be absolutely clear that when we leave the European Union, our environmental standards in this country will rise, not fall?

The Prime Minister: We are committed to ensuring that our environmental standards do not fall. I believe that it is in the interests of this country—indeed, it is the

desire of this House and this country—to enhance our environmental standards in the future. The Government have shown their commitment through the 25-year environmental strategy and the environment Bill that my right hon. Friend the Environment Secretary will bring forward. In a number of ways, we are showing our commitment to enhanced environmental standards.

Hannah Bardell (Livingston) (SNP): A close member of my family suffers from ulcerative colitis and is a serving police officer. They have been told that they may not be able to access the medicine they need to keep them well on a day-to-day basis. What does the Prime Minister say to my family member and to the many thousands of people across the UK who have chronic illnesses, some of which are exacerbated by anxiety and uncertainty, as she recklessly goes towards no deal by threatening Members? She needs to think again. What impact assessment has she done for people like my family member who are suffering from chronic illnesses?

The Prime Minister: That point was raised earlier by the hon. Member for North Ayrshire and Arran (Patricia Gibson), to whom I responded by making clear the work we have been doing with suppliers of medicines to ensure that there will be continuity of supply and that patients will continue to receive the medicines they need in all scenarios, including a no-deal scenario. When we are able to bring a deal back that deals with the issues raised by this House, the hon. Lady and every Member will have the responsibility of determining whether they want to leave the European Union with or without a deal.

Martin Vickers (Cleethorpes) (Con): One opportunity to boost our coastal communities post Brexit is the establishment of free ports, which port operators will not consider while we are a member of the customs union. I welcome my right hon. Friend's reaffirmation that we will be leaving the customs union, but can she give an assurance that she will not concede further on that in any customs arrangements that she negotiates, so that we can establish free ports?

The Prime Minister: I know that my hon. Friend has had a great interest in free ports for some time and has been promoting the concept, as has the Mayor of Tees Valley, Ben Houchen. This is an interesting area. There are issues that need to be addressed in relation to free ports, but it is an interesting area that we would want to look at.

Catherine McKinnell (Newcastle upon Tyne North) (Lab): In the Prime Minister's statement on 21 January, she told the House that she would

"look for further ways to engage... regional representatives in England."—[*Official Report*, 21 January 2019; Vol. 653, c. 27.]

In response to my written parliamentary question last week, she said that that would not happen until "the next phase"—in other words, after we have left the EU. How does she expect to build support across the House when she shows this level of contempt for the regions of this country that will be worst affected?

The Prime Minister: That is not the case. I gently remind the hon. Lady that Members of this House represent all parts of the United Kingdom. We are talking with trade unions and businesses about the

impact of decisions that are being made on parts of the United Kingdom. As I indicated in my statement, I committed when I became Prime Minister to a country that works for everyone, and that is what we continue to work for.

Nick Herbert (Arundel and South Downs) (Con): Is there not a precedent in the EU for member states that have been unable to ratify a treaty because of a democratic decision taken in their own country to go back to the EU and secure important changes? One country did so, having failed to agree the Lisbon treaty through a referendum; it secured legally binding changes by way of a protocol, to which the EU agreed—that country was Ireland.

The Prime Minister: My right hon. Friend is right that there is precedent for a country saying that it is not able to accept the terms of a particular agreement and going back to the European Union to negotiate different terms.

Several hon. Members *rose*—

Mr Speaker: Ah yes, the president of the NATO Parliamentary Assembly—President Moon.

Mrs Madeleine Moon (Bridgend) (Lab): Thank you, Mr Speaker. The Prime Minister has made great statements about honouring the referendum, but the thing I am asked most often by colleagues across Europe and people in my constituency is which selective process the Prime Minister used in honouring which votes. We had an election in 2015, and she did not like the result, so she went back to the people in 2017. We had a vote on her deal, and it was rejected, but now we have to look at it again with small alterations. We voted against no deal, and yet she is not implementing that. How can voters in my constituency and people across Europe who watch what happens in this House have any trust that whatever deal is put on the table will be binding and will not be altered should the UK leave the European Union?

The Prime Minister: At the 2017 general election, 80% of the people who voted voted for parties that were committed to honouring the result of the referendum and taking the United Kingdom out of the European Union. That is exactly what the Government are working to do. The hon. Lady refers to no deal. We cannot simply take no deal off the table. As I said, if we are not going to stay in the European Union, the only way to ensure that there is not a no-deal is to have a deal.

Mr Nigel Evans (Ribble Valley) (Con): Surely the backstop has become an unnecessary nightmare for all of us because we do not know what the future trading relationship will be between the UK and the EU27. If Brussels digs in its heels on not giving the small concession that the Prime Minister is asking for, will she seek to go into an implementation period post 29 March for 20 months, in which time we can negotiate the future trading relationship?

The Prime Minister: We will indeed have an opportunity during the implementation period to negotiate the details of that future trading relationship. I expect that to be done by December 2020, such that we are then able to put that future relationship into place.

Jo Swinson (East Dunbartonshire) (LD): I was glad that the Prime Minister mentioned her support for the Liberal Democrat policy of shared parental leave, but does she remember her Conservative colleagues who fought tooth and nail against it? Does she remember the Beecroft report—an extensive Conservative assault on workers' rights that was stopped by the Lib Dems? Outside the EU, there is nothing to stop a future Conservative Prime Minister tearing up her legal commitments. There is no Brexit that can guarantee workers' rights, and that is why we need a people's vote.

The Prime Minister: We are giving those commitments in relation to workers' rights. I was the person who ensured that the Conservative party's policy was for flexible working for all and shared parental leave.

Sir David Evennett (Bexleyheath and Crayford) (Con): I welcome my right hon. Friend's statement today, and I pay tribute to her determination to get a good withdrawal deal and her commitment to ensure that we leave the EU on 29 March. Does she appreciate the strength of feeling in my constituency against the backstop proposal, and will she confirm that she has listened to those concerns and will continue to pursue a real and constructive change in these arrangements?

The Prime Minister: I can give my right hon. Friend that assurance. I have heard the message clearly that Parliament gave in relation to the backstop, and we are working for those legally binding changes that this Parliament wishes to see.

Stephen Kinnock (Aberavon) (Lab): The withdrawal agreement and implementation Bill is legislation of the highest political, legal and constitutional significance. It is absolutely vital that this House has sufficient time to debate and scrutinise it. It would be a constitutional outrage if that were not the case. Does the Prime Minister not then agree that it is crystal clear that we cannot do justice to this vital piece of legislation without an extension of article 50?

The Prime Minister: I assure the hon. Gentleman that, of course, the House will have looked at the nature of the withdrawal agreement through the meaningful vote that it conducts, and giving support for that withdrawal agreement will then enable us to get on with the withdrawal agreement and implementation Bill. I can assure the hon. Gentleman that the House will have sufficient time, I believe, to scrutinise that Bill.

Charlie Elphicke (Dover) (Con): Does the Prime Minister agree that talking about helping left-behind areas should not be seen as a tactical matter to get through the withdrawal agreement, but should be at the very heart of what this Government are about? That is promoting a renaissance of the regions as part of building Brexit Britain, and that means every region, including coastal towns, such as Dover and Deal, which I represent.

The Prime Minister: My hon. Friend has made an important point. When I stood on the steps of Downing Street on the first day I was Prime Minister, I was very clear that I wanted to ensure that we worked for those communities that did feel that they were left behind and did feel that they had not achieved the benefits that they

had seen some other parts of the country have. That does mean certain parts of the country, and it also means certain types of town, like coastal towns such as Dover and Deal, which my hon. Friend represents and champions so well.

Stella Creasy (Walthamstow) (Lab/Co-op): In the Prime Minister's statement today and the lack of concrete progress, it feels as though the Prime Minister is purposefully making Parliament hit its head against a brick wall in the hope that when we stop, we might feel better. We are fewer than 45 days away from exit day, yet the Prime Minister is picking and choosing which of the directions from this House that she listens to. This House overwhelmingly said that it wanted to reject no deal. Please, Prime Minister, stop being so stubborn and focusing on buying fridges and fantasy ferries, and at least admit that extending article 50 would help this House take back control?

The Prime Minister: What this House voted for was an amendment that confirmed avoiding a hard border between Northern Ireland and Ireland, confirmed that this House wished to leave with a deal and confirmed the issue that needed to be addressed for this House to agree a deal, and that was the issue of the backstop.

Craig Mackinlay (South Thanet) (Con): I visited Brussels last week as a member of the Exiting the European Union Committee, and we met Martin Selmayr. Whether or not I believe him is another matter, but he explained to us that he could see no reason why the Commission would ever want to use the backstop. From the Government supporting the Brady amendment two weeks ago, I have to assume that the Government do not want the backstop. Parliament does not want the backstop, and the Northern Ireland public and the public across the rest of the UK do not want the backstop. May I ask my right hon. Friend: why is it still there?

The Prime Minister: Nobody wants to use the backstop. The reason the backstop is there is that it is the guarantee that there will be no hard border between Northern Ireland and Ireland in the circumstances in which the future relationship has not come into place at the end of the implementation period. There is an alternative available within the withdrawal agreement, which is a further extension of the implementation period. There are pros and cons in both of those positions. Of course we want to see change to the backstop, but there are issues around the fact that in the implementation period there would almost certainly be a request for money, which does not occur in relation to the backstop. It is there as a guarantee. It is like an insurance policy: you take it out, but you never want to have to use it.

Jim Shannon (Strangford) (DUP): A recent national opinion poll in Northern Ireland showed that 60% of those polled were clearly against the backstop—a majority of opinion. Is the EU policy on the backstop like that great Eagles song, "Hotel California": you can check out anytime you like, but you cannot leave? Will the Prime Minister give an assurance to Unionists in Northern Ireland that there can be no progress unless the backstop is removed or is time-limited?

The Prime Minister: The hon. Gentleman has made the point clearly. In fact, it is this House that has said it requires changes to be made to the backstop—legally binding changes—and that is what we are working for.

Alex Chalk (Cheltenham) (Con): I have constituents working at GE Aviation, BAE Systems, Spirax Sarco, Jaguar Land Rover and Honda, and those businesses urgently need certainty. What assurances can the Prime Minister provide that the talks are credible and constructive, not cosmetic, and that they can reasonably be expected to yield progress?

The Prime Minister: The talks I had last week I think indicated, from the point of those in the European Commission, that they do indeed want to ensure we can leave with a deal. They have extended those talks; previously, indeed, there had been some unwillingness to extend the talks. But now that Parliament has shown what it specifically wants to see changing in the withdrawal agreement, we are able to have those talks and to explore the various ways in which we can ensure we deliver a deal that this Parliament can support.

Martin Docherty-Hughes (West Dunbartonshire) (SNP): The Prime Minister assured the House on 14 January that the right to be British, Irish or both in Northern Ireland was clear and referenced in the withdrawal agreement, yet in Belfast on 5 February stated that

“I know that in some cases recently, people have encountered difficulties in securing their”—

Irish—

“rights as Irish citizens”.

Does the Prime Minister therefore recognise and agree that Emma DeSouza and many others in Northern Ireland are Irish citizens and therefore EU citizens, all the while the Home Office claims they are British?

The Prime Minister: The hon. Gentleman has raised an issue on which, first, it is absolutely clear that the position of people in Northern Ireland to be Irish, British or indeed both is made very clear in the withdrawal agreement—it is maintained in that withdrawal agreement. There has been an issue raised in relation to a small number of cases about the interaction of that with the immigration rules that we apply here in the United Kingdom, and that is what the Home Secretary is working on.

Kevin Foster (Torbay) (Con): I welcome the Prime Minister's statement. Does she agree with me that extending article 50 just to have more months of procrastination and to allow some people to carry on dishing out the soundbites, rather than voting for solutions, will be of no use to us, no use to the EU and no use to our economy either?

The Prime Minister: My hon. Friend makes a very important point. Extending article 50 does not solve the issue; it just extends the length of time of consideration. The point would still have to come when Members of this House would have to make a decision and exercise—respect—their responsibilities. He references the economy. Actually, businesses have said to me that they do not want to see article 50 extended, because they feel that would extend the period of discussion and uncertainty, and they want a deal delivered and a deal agreed.

Caroline Flint (Don Valley) (Lab): It is understandable that my right hon. Friend the Leader of the Opposition is wary, but he knows that Labour promised in the general election to respect the outcome and to work for a deal, so I hope he will take every opportunity that is offered to him to talk, with the shadow Business, Energy and Industrial Strategy Secretary, to the Government and to officials in order to hold the Government to account and the Prime Minister to account on the promises she has made in her statement today, particularly on workers' rights.

Does the Prime Minister share my concerns about the downturn in economic growth? Since the referendum, 2,000 new jobs have been created at Doncaster iPort in my constituency. It seems to me that it is indecision, not Brexit per se, that is now holding back business. It is absolutely essential that we face compromise in a straightforward way and seek a deal. There are some in this House who say, “Take no deal off the table”, but for them no deal is ever going to be a winner. I ask the Prime Minister to reiterate that, across Parliament, we have to do what business and our communities want, and reach a compromise and get a deal done sooner rather than later.

The Prime Minister: The right hon. Lady makes a very important point, which is that it is in the interests of business and in the interests of communities to get a deal agreed so that we can move forward. I believe there are businesses that are holding back investment in this country, waiting for us to get the deal over the line, and that that investment will be made when we get that deal. It is for every Member of this House to be prepared to accept, as the right hon. Lady has said, that we are all making compromises. The agreement with the European Union involves some compromise—that is because it is two sides coming together to agree a deal—but it is in the best interests of this country to have that deal and to get it sorted.

Jeremy Lefroy (Stafford) (Con): I entirely support what the right hon. Member for Don Valley (Caroline Flint) has just said.

This morning, I met the representative of a large manufacturer in my constituency who is incredibly concerned about what would happen in the case of no deal. Will my right hon. Friend lay out clearly the consequences of no deal for our vital services sector? It has a trade surplus both with the EU and across the world, and it is responsible for the jobs of so many millions of our fellow citizens.

The Prime Minister: There is absolutely no doubt that no deal would, of course, have an impact on our economy; I think that in the longer term we would be able to recover from that impact. Obviously, there have been a number of academic and other studies that have made assessments of the impact of no deal. As my hon. Friend has said, the services sector is obviously very important for us. That is why I believe that the proposals and the deal in the political declaration, which gives us flexibility in developing our services, including financial services, are so important for the future.

Catherine West (Hornsey and Wood Green) (Lab): Brexit has evoked many emotions—anger and sadness. Last week, the Prime Minister was in Ireland. Do the Government care about breaking Irish hearts?

The Prime Minister: When I was in Ireland and met the Taoiseach, we were discussing not only the issue of the backstop and getting a deal with the European Union that can get through Parliament, but also the future relationship between the UK and Ireland. Obviously, given the border between Northern Ireland and Ireland—a land border with Ireland: a continuing member of the EU27, but also a close neighbour—we want to ensure that for the future we can enhance and build on the very good relations that the UK and Irish Governments have had in recent years. So I hope that the hon. Lady will be with us.

Carol Monaghan (Glasgow North West) (SNP): Political leaders across Europe have been unanimous in stating that the Prime Minister's deal, which was overwhelmingly rejected by this House, was the only deal possible because of the Prime Minister's own red lines. We are now in the terrifying situation that in 45 days we could crash out with no deal. The right hon. Lady has heard Members on both sides calling for an extension to article 50 this afternoon. Will she now tell the House how many votes she is happy to lose before she considers extending article 50?

The Prime Minister: I have set out the procedure that the Government are going to follow in relation to this issue and we continue to work to be able to bring back a deal for a meaningful vote.

Toby Perkins (Chesterfield) (Lab): The Food and Drink Federation has said today that the industry would face its biggest catastrophe since 1939 if we were to leave without a deal. Yet the Government have still not even reached a deal that we can agree on here, much less to take to Europe. Given all that, how do I justify to my constituents why this Parliament shut at 3.27 pm last Wednesday because the Government had literally nothing for MPs to discuss?

The Prime Minister: Many things happen in Parliament, and not just in this Chamber. The hon. Gentleman might wish to point out to his constituents that the Government have taken the decision of not enabling him to have a recess next week because there is business for this Parliament to do and we will be doing that business.

Mr Alistair Carmichael (Orkney and Shetland) (LD): If the Prime Minister is serious about meeting the 29 March deadline, will she allow the House to get on and do what it is here to do instead of filling our time with general debates and statutory instruments? If we are coming back next week instead of recess, will we deal with the Agriculture Bill, the Fisheries Bill, the Immigration and Social Security Co-ordination (EU Withdrawal) Bill, the Financial Services (Implementation of Legislation) Bill or the Healthcare (International Arrangements) Bill? Will we ever see the withdrawal agreement Bill?

If we are to leave on 29 March, these matters will all have to be dealt with here and in the other place. Why does the Prime Minister not just accept what is obvious to the rest of the world and start now the process for an orderly extension of the article 50 period?

The Prime Minister: The immigration Bill, I believe, is in Committee today, so work is being done on the immigration Bill. [*Interruption.*] The right hon. Gentleman

says it is in Committee: it is the normal procedure of the House of Commons that, having had a Second Reading, a Bill goes into Committee.

I also say to the right hon. Gentleman that next week there will indeed be many statutory instruments that relate to Brexit and that are important preparations for this House to make. He talks about bringing forward a withdrawal agreement Bill: we cannot have a withdrawal agreement Bill until we have a withdrawal agreement. If he wants the Bill, I assume that he is going to support the withdrawal agreement.

Kerry McCarthy (Bristol East) (Lab): We were told that we would see the final report on anti-dumping duties on aluminium foil by Christmas; entirely predictably, we have not seen anything at all. The issue is very niche, but for a company in my constituency it is extremely important. It is one example of where businesses have been left in a state of hopeless uncertainty because of the Government's failure to prepare for Brexit. Is it not time that, rather than letting businesses continue in this state, the Prime Minister announced that she will extend article 50?

The Prime Minister: As I have just indicated, there are businesses saying to me that article 50 extension does not solve the problem for them. What they want to see is a deal agreed by this Parliament and then a deal that has been negotiated with the EU and agreed by this Parliament being put into place.

Chris Stephens (Glasgow South West) (SNP): May I bring the Prime Minister back to workers' rights? She will be aware that the European Parliament and European Commission are currently negotiating for better and stronger workers' rights for workers in the gig economy and for working parents. Those are far better and stronger than those found in the current UK Government's good work plan. If Europe agrees to those new regulations, will the UK Government implement them for working people in the United Kingdom?

The Prime Minister: What I have said in the statement and what we have indicated is that if there are future changes to workers' rights in the European Union, we have committed to giving Parliament the opportunity to say whether the United Kingdom would support those rights.

Owen Smith (Pontypridd) (Lab): It is patently obvious that the Prime Minister's tawdry strategy is now to string this out until the last second in an attempt to blackmail and bully MPs into supporting this deal. I reassure her that I will take her advice: I will hold my nerve and refuse to bend the knee to this job-destroying Brexit. May I urge my party's Front Benchers to do likewise—refuse to vote for it and instead honour our conference commitment to holding a public vote on this deal?

The Prime Minister: The hon. Gentleman talks about the impact of not having come to a deal at this stage and then in his question wants to go into a situation where we do not have a deal, we do not have agreement across this House and there is an extension of the time and the uncertainty that he has already referred to. I do not think that a people's vote—a second referendum—is

the right way forward for the reasons I indicated earlier. I believe that what people want us to do is deliver on the referendum and get on with it.

Dr Lisa Cameron (East Kilbride, Strathaven and Lesmahagow) (SNP): What progress, if any, has the EU signalled to the Prime Minister may be possible on the backstop to date?

The Prime Minister: That is precisely what we are talking to the European Union about: how we can resolve the issue of the backstop in a way that will command the support of this Parliament. We have agreed that we will enter those talks, and that is exactly what we will be discussing.

Mike Gapes (Ilford South) (Lab/Co-op): The European Union and all the people speaking for it in the different institutions have made it absolutely clear that the withdrawal agreement negotiated by this Prime Minister, agreed by this Prime Minister and signed off by this Prime Minister is not going to be amended. But this House has rejected the withdrawal agreement. Is not the only way out of this now—and this gives the Prime Minister what she wants—for this House to adopt the negotiated withdrawal agreement with a sunset clause? Then it can be put to the people in a referendum: whether they accept it or whether they wish to remain in the EU with the better deal that we have now.

The Prime Minister: I refer the hon. Gentleman to the answers I gave earlier in relation to the issue of a second referendum.

Christine Jardine (Edinburgh West) (LD): Given that the Prime Minister has said repeatedly that she will not go back and give the country the choice on whether this is actually what they want, given that she has said repeatedly that she does not want to extend article 50 and given that she refuses to take no deal off the table, what advice would she give to those tens of thousands of UK students currently studying in the EU? What about those British holidaymakers who have already made their arrangements? They may have chronic health conditions and find that they are not able to get cover.

The Prime Minister: The hon. Lady indicates her concerns about the prospect of leaving with no deal. There is an answer to ensuring that we do not leave with no deal and that is to agree a deal.

Diana Johnson (Kingston upon Hull North) (Lab): The duty of any Government is to keep their citizens safe and surely there can be no compromise on that, so is the Prime Minister really saying that, despite all the warnings from the police and the security services about the effect on our national security of crashing out with a no deal, she is willing to allow us to crash out on 29 March, rather than extend article 50?

The Prime Minister: What I am saying is that the first aim of the Government must be what we are doing, which is negotiating changes to the deal with the European Union that can be brought back to this House and can command the support of this House.

Tom Brake (Carshalton and Wallington) (LD): No fewer than eight Government Ministers have described no deal in terms such as “catastrophic”, “a betrayal”, “disastrous” and “the worse possible outcome”. Why is the Prime Minister still playing Russian roulette with the option of no deal? At what stage of this lethal game does she expect those Ministers to resign from her Government? Perhaps that should be on Thursday, when Parliament has the opportunity to find a way of ruling out no deal once and for all. *[Interruption.]*

The Prime Minister: The right hon. Gentleman says that Parliament would find a way of ruling out no deal once and for all. There are only two ways in which we can ensure that we do not have a no-deal situation. One is to stay in the European Union. The right hon. Gentleman might want to do that. *[Interruption.]* He says, “Yes, absolutely” from a sedentary position. That is not the result of the referendum. The Government will deliver on the result of the referendum and we will leave the European Union. The only other way of ensuring that we do not have no deal is to agree a deal. That seems to be pretty obvious to me.

Mr Speaker: I think the proper response to the sneeze from the hon. Member for Crewe and Nantwich (Laura Smith) at the end of the last question is, “Bless you.”

Dr Rupa Huq (Ealing Central and Acton) (Lab): We are now 45 days away from the projected departure date, and we still have no clarity and no closure on a deal that the Prime Minister negotiated when there were 135 days to go. May I ask for her opinion on this statement from the innocent days when there were only 110 days to go, on the eve of the last pulled vote in December?

“If Parliament does not agree a Brexit deal soon then we must recognise that the original mandate to leave, taken over two years ago, will begin to date and will, eventually, no longer represent a reflection of current intent.”

Those are not my words, but the words of the right hon. and gallant Member for Bournemouth East (Mr Ellwood). If members of her own Government get it, why won't she? Can she not see why the general public see that her only strategy is to run down the clock?

The Prime Minister: The Government's position is very clear. We believe it is better for this country to leave with a deal. That is the position that the House of Commons has taken, but the House of Commons has also said that it does not agree the deal that was negotiated. It wants to see changes to the backstop and that is what we are working for.

James Heapey (Wells) (Con): The Prime Minister has taken many questions encouraging her to end uncertainty by taking no deal off the table, but many others encouraging her to create more uncertainty by extending article 50 and calling for a second referendum. The Liberal Democrats managed to advocate both in the same question. Does she share my confusion over the uncertainty among those who oppose Brexit over whether uncertainty is acceptable or not?

The Prime Minister: My hon. Friend has very neatly pointed out the contradiction in many of the contributions that have been made in the House today.

Martin Whitfield (East Lothian) (Lab): The Prime Minister has spoken about how she wants a country that works for everyone and in her speech she talked about the damage that would be done to the public's faith in our democracy. What is her message to the 48.1% who voted remain, who did not get a mention in her statement?

The Prime Minister: The deal that the UK Government have been pursuing is one that respects the result of the referendum but does so in a way that protects jobs, protects our security and protects the Union of the United Kingdom. I believe that that is the deal that is right for everyone across the United Kingdom.

Stephen Gethins (North East Fife) (SNP): Last week, my constituent Karin Vaughan had to travel to a registration centre in Edinburgh from the village of Letham in Fife. Mrs Vaughan moved to the UK 74 years ago when she was three months old. Her village is very, very angry. She is upset. What is the Prime Minister's message to Mrs Vaughan? I hope it is, "I'm sorry."

The Prime Minister: The hon. Gentleman raises a specific case. I do not know all the details of the case that he has raised. If he is reflecting the fact that we are saying that those who are European Union citizens, in order to ensure they have the verification of their position here, should apply under the EU settlement scheme, then I believe the Government are taking the right approach. We are making that an easy scheme for people. As he knows, I have said that from the national roll-out of that scheme there will be no fee.

Clive Efford (Eltham) (Lab): The proposals from my right hon. Friend the Member for Islington North (Jeremy Corbyn) have the best prospect of securing a majority across the House, far better than the Prime Minister's deal, which was voted against by two thirds of hon. Members. Is it not therefore incumbent on her to facilitate negotiations in co-operation with the Labour Front-Bench team and the European Union to see how much progress can be made on those proposals, and then bring them back to this House as they represent the best way forward?

The Prime Minister: As I indicated in my statement, we are continuing our discussions with the official Opposition, but it is also the case that this House made clear what it is that it wants to see in order to be prepared to agree a deal. That was made clear in the amendment tabled by my hon. Friend the Member for Altrincham and Sale West (Sir Graham Brady), which was approved by this House.

Stewart Malcolm McDonald (Glasgow South) (SNP): I am sure that, like you, Mr Speaker, the Prime Minister is ferociously well read and will have read the 14th century masterpiece, "The Divine Comedy", which is home to Dante's inferno, the nine circles of hell. The eighth circle was reserved for fraudsters. Is that not where we will find those from the referendum campaign who broke electoral law, and deployed all kinds of political sorcery and false promise to win the referendum? At this rate, I am afraid to say, it is probably where the Prime Minister's own withdrawal agreement is going.

The Prime Minister: No.

Debbie Abrahams (Oldham East and Saddleworth) (Lab): It is absolutely clear that the EU will not reopen negotiations to discuss the draft withdrawal agreement on the backstop, or on any other of the issues. It is profoundly disappointing that the Prime Minister is pretending otherwise. It is also clear, as the right hon. and learned Member for Beaconsfield (Mr Grieve) and others have said, that we are running out of time, that the economy is stalling and that businesses are really floundering. So in the interests of the country, Prime Minister, will you agree to extend article 50?

The Prime Minister: We are in talks with the European Union, so the premise of the hon. Lady's question is, I believe, not correct. They are talking to us about what changes could be possible in relation to the backstop. That is the first point. As my hon. Friend the Member for Wells (James Heappey) pointed out, to complain about the impact of uncertainty on the economy and then to ask to increase the period of uncertainty is a contradiction.

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): Mention has been made of the different parts of the UK. I have the honour to represent the far north of Scotland—I suspect the House has gathered that by now. When I put it to the Prime Minister a few days ago that European structural funds had brought great historic good to my part of the world—they have greatly benefited my constituents, paying for new airports, roads, economic development, tourism and so on—she referred me to the shared prosperity fund. We are very scant on the detail of the shared prosperity fund. May I respectfully ask her to ask her officials to meet me and other interested Members to discuss what the fund might be and how it might apply to needy areas such as mine?

The Prime Minister: We will be consulting on the nature of the shared prosperity fund and the criteria under which it will operate, so I will ask the relevant Minister to meet the hon. Gentleman in the way he has requested.

David Hanson (Delyn) (Lab): Police chiefs told us yesterday that no deal will mean no access to DNA, no access to security alerts on terrorism and no access to the European arrest warrant. The Prime Minister's own deal will not give security on those issues over the next two years pending discussions with the European Court of Justice, so why is she undertaking this reckless action? Will she undertake a backstop on security?

The Prime Minister: The deal we have negotiated on security does provide. There are, as the right hon. Gentleman knows, two areas where it does not specify the particular instruments that will be used in relation to access, for example, to criminal records, but it does specify that that access will be enabled and the discussions will be on the form that that access takes. The deal we have agreed ensures that we are able to continue the security co-operation with the European Union that has helped to keep us safe.

Ruth Cadbury (Brentford and Isleworth) (Lab): The Prime Minister just said that she thinks her deal is the best for the UK, so why will she not put her trust in the UK people and put it back to them for ratification?

The Prime Minister: I refer the hon. Lady to the answer I gave to that question earlier.

Peter Grant (Glenrothes) (SNP): The Prime Minister mentioned the meetings that she had with political parties in Northern Ireland, but she gave no indication at all of having listened to anything they had to say. Sinn Féin and the Social Democratic and Labour party could not have been clearer that tinkering with the backstop is tantamount to tinkering with the permanence of a peace agreement and cannot be accepted. Meanwhile, in a statement issued on 7 February, the Ulster Unionists said that

“as time is short, an extension to Article 50 must not be ruled out if a workable deal is to be reached.”

Will the Prime Minister tell us whether she is listening to the majority in Northern Ireland, or is she still obsessed with following the orders of the minority, as is shown by the empty Democratic Unionist party Benches?

The Prime Minister: When I was in Northern Ireland, I met the five political parties. I met representatives from civil society and businesses. They were making a variety of points in relation to this issue. One of the points that civil society was making in particular was the importance of the commitment to no hard border between Northern Ireland and Ireland in helping to ensure that the progress that had been made in Northern Ireland since the Belfast/Good Friday agreement would continue.

Ian Murray (Edinburgh South) (Lab): In her statement, the Prime Minister used the phrase “hold your nerve” with regards to negotiations with the EU, but is she also not saying to the sensible members of her Cabinet, many of whom are sitting on the Front Bench with her, that they should hold their nerve in refusing to take no deal off the table so that she can run down the clock, come back to this House at the 11th hour and blackmail the House to back her deal?

The Prime Minister: The choice that this House and Members of this House will face—this choice will come at whatever point, but I believe that it should come before 29 March so we can deliver on leaving the EU on 29 March—is very simply whether they do want to leave with a deal, or whether they want to leave with no deal, because unless we stay in the European Union, the only way not to have no deal is to agree a deal.

Brendan O’Hara (Argyll and Bute) (SNP): Since her drubbing in this House in January, the Prime Minister has sought to reopen the withdrawal deal but, in the last two weeks, the Austrian Chancellor, the German Chancellor, the Dutch Prime Minister, the President of the European Council, the French President, the Irish Prime Minister and the President of the European Commission have all been absolutely unequivocal in saying that they will be not be reopening the deal. Yet the Prime Minister still acts as if it is all going swimmingly. Can she tell us which one of that group she expects to blink first?

The Prime Minister: Some of the people the hon. Gentleman has referred to have also referred to the need for us to find creative solutions to ensure that we can deal with the issue that has been raised by this Parliament.

Mr Adrian Bailey (West Bromwich West) (Lab/Co-op): So far, the Prime Minister’s Brexit policy has involved transport arrangements with no ships, a facilitation arrangement in Northern Ireland with no facilitators and a backstop arrangement that does not actually stop anything. On top of that, we have been promised meaningful votes that disappear like mirages as we get near them. When will the Prime Minister get real and recognise that only a customs union with the EU will sort the Northern Ireland border issue, protect our manufacturing and command a majority of the House?

The Prime Minister: It is not the case that the only resolution of the issue of the border between Northern Ireland and Ireland is a customs union with the European Union.

Rachael Maskell (York Central) (Lab/Co-op): The Government’s own economic analysis, which was of the Chequers deal, not the Prime Minister’s disastrous deal, demonstrated that our nation and the people of our country are going to be significantly poorer. Why does the Prime Minister think that, without a customs union, people on these Benches—Labour MPs—will vote for people to be poorer by following her deal?

The Prime Minister: First, I did make it clear that the deal that the Government had put forward was analysed in the economic analysis. We recognise that there was not economic analysis of the political declaration, which is part of the vote that took place in the House of Commons, because there are elements of that that are not yet tied down and agreed. However, variations were indicated within the economic analysis. A mid-term variation in relation to friction at the border was indicated. I say to the hon. Lady that it is not the case that the analysis shows that leaving the EU and the deals that are proposed would leave us poorer than we are today. What it does show is differences in the growth in the economy under the various deals, compared with staying in the European Union, but we are leaving the EU, and the analysis showed that the deal that the Government had proposed was the deal that was best for respecting the referendum and protecting jobs and the economy.

Geraint Davies (Swansea West) (Lab/Co-op): The Prime Minister is offering a choice between being shot in the head with a no-deal Brexit or shot in the foot with her Brexit. When will she realise that the best way of getting her deal through this House is with the proviso that it will be ratified by a public vote, when the public can judge between her deal and the existing deal—staying in the EU? If they opt for that, we will save the two years of the transition period and can get on with the jobs at hand.

The Prime Minister: I am not quite sure what timescale the hon. Gentleman thinks he would save by having a second referendum, because that in itself would take considerable time to take through the House and put in place. I will respond to him in the way that I have responded to others: I do not believe that it is right to have a second referendum. I believe that it is right to deliver on the result of the 2016 referendum.

Mr Paul Sweeney (Glasgow North East) (Lab/Co-op): The Prime Minister could achieve a majority in the House if she were just to recognise the scale of the

[Mr Paul Sweeney]

defeat that she had on her deal recently and bring forward an amendment to her red lines on a customs union, with a British say in trade deals. That would be the way to break the impasse, but she does not seem to be prepared to do that because it would break her own party in the process, so it is party before country. However, she is also presenting a false choice to Parliament by saying that it is a choice between a deal or crashing out with no deal. We know for a fact that the Prime Minister has the option, if it came down to the wire—to the last 24 hours—to revoke article 50 and stop the clock to save us from a disastrous no deal. If it came to it, would the Prime Minister do that?

The Prime Minister: The hon. Gentleman suggests that I revoke article 50. Revoking article 50 means going back on the result of the 2016 referendum—

Mr Sweeney indicated dissent.

The Prime Minister: It is no good the hon. Gentleman shaking his head. What the European Court of Justice made clear in its determination was that it was open to an individual member state to request a revocation of article 50, but that that meant staying in the European Union.

Alan Brown (Kilmarnock and Loudoun) (SNP) *rose*—

Neil Gray (Airdrie and Shotts) (SNP) *rose*—

Mr Speaker: Ah! Of course “B” for “Brown” comes before “G” for “Gray”, but on the other hand, “A” for “Airdrie” comes before “K” for “Kilmarnock”. I call Mr Neil Gray.

Neil Gray: Thank you, Mr Speaker. The Prime Minister asked us to hold our nerve and essentially to trust her, but does she not have a nerve in asking us to support her plan when it has been her plan, her deal and her intransigence for 30 months that have got us into this mess? How can we trust her when she continues to run down the clock by wasting our time this week and next by re-tabling a motion from last month, and when she continues to gamble by putting a no deal in front of us in order to put her party and her position ahead of the people?

The Prime Minister: What the Government are doing is taking the instruction of this Parliament, which was to get changes to the withdrawal agreement and to the backstop, so that this Parliament can agree a deal. That is what we are working on and what we are determined to deliver.

Alan Brown: On the “trust me” and “hold your nerve” theme, let us look at the no-deal preparations in terms of the ferry contract. Using an emergency procedure exemption for direct awards to the ferry companies in breach of European rules, there was an award to a ferry company with no ships and negative assets. Yesterday at the Dispatch Box, the Transport Secretary said, “Don’t worry, it hasn’t cost taxpayers money”—we now learn that up to £800,000 has been spent on external consultants—and he ducked issues about legal challenges while his Department was in court. Will the Prime Minister sack the Transport Secretary, or is that the general level of competence of this Government, which we are supposed to have trust in?

The Prime Minister: The hon. Gentleman talks about money spent. Money was indeed spent on securing all the contracts let. Third-party due diligence was properly carried out and would have been regardless of who the agreements were entered into with.

Mr Speaker: I am grateful to the Prime Minister and all colleagues.

I have been advised that the right hon. Member for Ross, Skye and Lochaber (Ian Blackford), the leader of the Scottish National party, has a point of order that relates to earlier exchanges. If that be so, I am happy to take it now.

Ian Blackford: On a point of order, Mr Speaker. I rise more in sorrow than in anger. We live in exceptional times. It is one thing to hear the Prime Minister say she wanted this decided in December, when it was she who took it off the table, but if that were not bad enough, when I pressed her on the economic analysis of her deal, she said the Government had published economic assessments of the proposals. Furthermore, she also said that I had perhaps inadvertently misled the House, which beggars belief, because if anyone has inadvertently misled the House, it is the Prime Minister. The fact is the Treasury published an economic analysis of Brexit in November, before the Prime Minister’s deal, that in no way referred to the Prime Minister’s deal. This goes way beyond spinning.

Perhaps more importantly, the House is to be asked to vote on a proposition without the economic impact assessment. I am asking two things. First, can the Prime Minister correct the record? Secondly, what options are open to us to make sure that before we come to perhaps the most important vote this House will take we have the facts of the economic assessment? It is the case that under any of the Treasury’s Brexit assessments we will be worse off than under the current deal. That is the fact and the reality of the situation. The Prime Minister really has to learn some grace.

Mr Speaker: The Prime Minister has been at the Dispatch Box for two and a quarter hours and has answered all inquiries. She is welcome to return to the Dispatch Box and respond to the right hon. Gentleman, but she is under no obligation to do so.

The Prime Minister: I said that the Government had put forward a deal and that an economic analysis was done on that deal. The political declaration was part of what was brought to the House. The right hon. Gentleman says there was no reference to that in the economic analysis. The economic analysis indicated what might be the impact of the various elements of the spectrum of choice on friction at the border. It reflected the fact that the political declaration had not confirmed the point at which friction would or would not occur. That was in the economic analysis published before the meaningful vote.

Ian Blackford *rose*—

Mr Speaker: No, no, no. I gently say to the right hon. Gentleman that I think that for today honour is served. I was happy to hear his point of order, and the Prime Minister has graciously responded.

I do not wish to invest the proceedings with levity, but the right hon. Gentleman asks what can be done to ensure that all the facts are in the possession of the House when key votes take place. I do not suppose he is investing me with powers to ensure that state of affairs. I cannot, not least because one person's fact is another's opinion. That is in the nature of political argument. I would only say—and another example has been provided today by the exchanges on this statement, for which I again thank the Prime Minister and all colleagues—that the House will always have the fullest possible opportunity, institutionally and individually, to state views, to pose questions and to extract answers. That is the best we can do. My role is simply to try to facilitate that. I am glad that we have, I think, finished on a reasonably harmonious note. Let us leave it there for now.

ROYAL ASSENT

Mr Speaker: Before we move to the second statement—the Secretary of State for Digital, Culture, Media and Sport has been in his place patiently awaiting the opportunity to make it—I have to notify the House, in accordance with the Royal Assent Act 1967, that Her Majesty has signified her Royal Assent to the following Acts:

Finance Act 2019

Voyeurism (Offences) Act 2019

Counter-Terrorism and Border Security Act 2019

Tenant Fees Act 2019

Crime (Overseas Production Orders) Act 2019.

Cairncross Review

2.54 pm

The Secretary of State for Digital, Culture, Media and Sport (Jeremy Wright): With your indulgence, Mr Speaker, before I make my statement, I invite the House to join me in paying tribute to one of our sporting greats, Gordon Banks, who sadly passed away earlier today. He was one of football's finest-ever goalkeepers and a vital part of England's World cup winning team, and his performances for club and country leave behind an exceptional legacy. The tributes in the past few hours are testament to his personal qualities. He was a fierce opponent on the pitch but a kind and generous man off it. I am sure the thoughts of the whole House are with his friends and family.

With permission, I would like to make a statement on the publication of the Cairncross review. I would like to thank Dame Frances Cairncross for leading the review and the expert panel and officials who worked with her to develop it. It comes at an important time. In her report, Dame Frances paints a vivid picture of the threat to high-quality journalism in this country. There are about 6,000 fewer journalists now than there were roughly a decade ago. Print circulation of daily national papers fell from 11.5 million in 2008 to 5.8 million in 2018. In the same period, circulation of local newspapers halved.

As the review makes clear, there are many reasons for this, but the main driver is a rapid change in how we consume content. The majority of people now read news online, including 91% of 18 to 24-years-olds. As this shift has taken place, publishers have struggled to find ways to create sustainable business models in the digital age. As the review sets out, between them Google and Facebook capture the largest share of online advertising revenue and are an increasingly important channel for the distribution of news content online. They also hold an array of data on their users that news publishers cannot possibly hope to replicate, which further strengthens their position in the digital advertising market.

This combination of market conditions threatens to undermine the future financial sustainability of journalism. Even publications that have only ever been online are struggling. This should concern us all. Dame Frances notes that while high-quality journalism is desirable, there is one type of journalism that society and democracy cannot do without, and that is public interest journalism. This is the type of journalism that can hold the powerful to account and is an essential component of our democracy. It helps us to shine a light on important issues, in communities, in courtrooms, in council chambers and in this Chamber, but this type of journalism is also under threat, especially at the local level, and the review cites numerous examples of what happens to communities when a local paper disappears. Dame Frances's report comes at a vital time, therefore, and I welcome her focus on public interest journalism.

I want to set out to the House how the Government intend to respond to this important issue. There are many substantial recommendations in the review. There are some that we can take forward immediately and other more long-term recommendations where we will consult with stakeholders about the best way forward.

[Jeremy Wright]

First, I will deal with the recommendations we are able to progress immediately. Online advertising now represents a growing part of the economy and forms an important revenue stream for many publishers, but this burgeoning market is largely opaque and extremely complex, and it is impossible to know whether the revenue shares received by news publishers are fair. The review proposes that the Competition and Markets Authority conduct a market study of the digital advertising market. The purpose of this study would be to examine whether the online marketplace is operating effectively and whether it enables or prevents fair competition. It is right that policy makers and regulators have an accurate understanding of how the market operates and check that it is enabling fair competition, and I have today written to the CMA in support of this study. I will also urge Professor Jason Furman to treat the review as additional evidence in his ongoing inquiry into digital competition in the UK, whose findings are due to be published in the spring. I recognise that online advertising has given rise to a wider set of social and economic challenges, and my Department will therefore conduct a review of the way in which online advertising is regulated.

The Cairncross review cites the concerns of publishers about the potential market impact of the BBC on their sustainability. They argue that the BBC's free-to-access online content makes it harder for them to attract subscribers. The review also questions whether the BBC is straying too far into the provision of "softer" news content—traditionally the preserve of commercial publishers—and suggests that that might benefit from the scrutiny of Ofcom.

Let me be clear: the Government recognise the strong and central role of the BBC. As the review states,

"the BBC offers the very thing that this Review aims to encourage: a source of reliable and high quality news, with a focus on objectivity and impartiality, and independent from government."

However, it is right that the role of the BBC, as a public service broadcaster, be appropriately transparent. The review recommends that

"Ofcom should assess whether BBC News Online is striking the right balance between aiming for the widest reach for its own content...and driving traffic from its online site to commercial publishers (particularly local ones)".

Of course, some of those questions were addressed as part of the charter review process, but I have written today to ask Ofcom to look carefully at the review's recommendations and identify any new concerns that deserve attention. For instance, there may be ways in which the BBC could do more to drive traffic to commercial sites, particularly the local press.

Another recommendation is a proposal for two separate forms of tax relief for news publications, one of which is intended to bolster the supply of local and investigative journalism by enabling it to benefit from charitable status. The review notes that in the United States philanthropic donations provide, on average, 90% of the total revenues of non-profit news publishers. Although we have a different media landscape, as the review points out, charitable status could reduce the costs for those producing essential public interest reporting, and could pave the way for a new revenue stream through philanthropic donations. I recognise that that avenue has been explored before and that some hurdles will

have to be cleared, but I believe that we should pursue it. I have therefore written to the Charity Commission, and look forward to hearing how it can help in that regard.

As I explained earlier, there are areas in which we shall need to consult further and respond in further detail. For instance, Dame Frances recommends the establishment of an institute for public interest news to promote investigative and local journalism. She proposes that the institute should act as a convener for organisations with the means to support public interest news, including the BBC and online platforms. It would also be tasked with generating additional finance for the sector, driving innovation through a proposed new fund, and supporting an expansion of the BBC's local democracy reporting service. That BBC-funded scheme is a shining example of what can be done. The first of its kind in the industry, it is embedding 150 journalists in local publishing firms to produce local democracy reporting, particularly relating to local councils. I met some of those reporters last week. So far they have produced 50,000 stories between them, all of which might not otherwise have been heard. The Government will explore, with others, what more can be done in that regard.

The review calls on the Government to do more to incentivise the publishing industry's transition to digital. It proposes an extension of the current scope of VAT exemptions so that they apply to online payments for all news content, not simply print news content, and a new tax relief for public interest news providers. I know there is passionate support for that in the publishing sector, and we share its ambition for a healthy and sustainable industry. As the House knows, the Government always keep taxes under review. Any decision to amend the UK tax regime is, of course, a matter for the Chancellor of the Exchequer as part of the annual fiscal cycle, but I will discuss the matter further with the industry and with my colleagues at the Treasury.

I want to highlight two recommendations that cover similar ground to work that the Government are already doing. One is the sensible proposal that the Government should develop a media literacy strategy, working with the range of organisations already active in this space. Evidence suggests that there is a correlation between media literacy and a greater propensity to pay for news, so improving media literacy will also have an impact on the sustainability of the press. Ensuring that people have the skills they need in order to separate fact from fiction is the key to long-term success in tackling this issue, and I am pleased that Dame Frances has focused on it. We welcome the recommendation, which relates closely to our ongoing work to combat disinformation. Last month the Minister for Digital and the Creative Industries, my hon. Friend the Member for Stourbridge (Margot James), hosted a roundtable on media literacy, and the Government are looking into what more we can do to support industry efforts in that area.

The other recommendation that I want to highlight is the call for the creation of new codes of conduct between publishers and the online platforms that distribute their content. The codes would cover issues relating to the indexing of content on platforms and its presentation, as well as the need for advance warning of algorithm changes likely to affect a publisher. Their development would be overseen by a regulator. The review also proposes that regulatory oversight be introduced as

part of a “news quality obligation”, requiring platforms to improve the way in which their users understand the origin of an article of news and the trustworthiness of its source. Dame Frances recognises that platforms are already starting to accept responsibility in that regard.

Those two proposals deserve the Government’s full consideration, and we will think about how they can inform our approach. Our consideration will include our work on the online harms White Paper, which is due to be published shortly.

The review sets out a path to help us to put our media on a stronger and more sustainable footing, but Dame Frances makes it clear that it is just one contribution to the debate. We cannot turn back the clock, and there is no magic formula to address the systemic changes faced by the industry. However, it is the role of any responsible Government to play an active part in supporting public interest journalism. We will consider the review carefully, and will engage with press publishers, online platforms, regulators, academics, the public and Members of the House as we think about the way forward. I remain open to further proposals that may go beyond the recommendations or scope of the review.

I know that this issue is of great concern to Members in all parts of the House, and today’s review is an important milestone. At the heart of any thriving civil society is a free and vibrant press. The Government—and, I have no doubt, the House—are committed to supporting it through changing times, and ensuring that it can continue to do its job. I commend my statement to the House.

3.7 pm

Tom Watson (West Bromwich East) (Lab): I thank the Secretary of State for giving me advance sight of his statement. I also thank him for his warm words about the late Gordon Banks, who was not only a great goalkeeper—perhaps the greatest ever to wear three lions—but a true gentleman. Not everyone will know of his contribution to civic life in the Potteries and in Staffordshire as a whole, from support for veterans to dementia care. To the people of Staffordshire, he was not just a sporting hero but a community hero. He will be greatly missed.

As the Secretary of State said, the release of the Cairncross report is a milestone—a small milestone—on the road of our enormous task of addressing digital and news publishing. Finding the right solutions requires creative policies and cross-party partnership, and Opposition Front Benchers are ready to work with the Government where we can. I thank the Digital, Culture, Media and Sport Committee for the rigour of its ongoing work in relation to the harms caused by digital disruption. I look forward to reading its next report, and I commend its Chair, the hon. Member for Folkestone and Hythe (Damian Collins), for maintaining a determined cross-party unity of purpose in the face of corporate obfuscation from companies such as Facebook.

As we have heard, this review addresses an urgent issue: we have lost 6,000 frontline reporter jobs since 2007; newspaper circulation rates have fallen by half; 350 local news titles have closed; and half of Britons are now worried about fake news. Meanwhile, the emerging tech companies continue to increase their bottom lines with ever-increasing advertising revenues, extracting value from content produced by others while taking little responsibility for the destruction they leave in their wake.

Some of the review’s recommendations in this regard are particularly welcome. We said last summer that Labour would extend charitable status to public service journalism, so I am pleased to hear that the Secretary of State has today written to the Charity Commission to pursue that further. We have also publicly supported increased media awareness courses and reporter training schemes, and I am glad to see that the Government might soon be adopting that approach as well. But in other areas I am afraid that the review is barking up the wrong tree.

I understand that the Secretary of State is duty bound by this report to write to Ofcom asking for an assessment of BBC News Online’s market impact, but that could be counterproductive, because while local titles are closing it is the BBC that produces exactly the sort of public interest and publicly trusted content that the review was designed to encourage. Does the Secretary of State therefore agree that it will be a big mistake if the Government choose to pick a fight with the BBC over this, or to raid its budgets even further, rather than tackling the real problem: a distorted digital market?

It seems to me that the problem is clear: savvy tech platforms have developed targeted behavioural advertising that allows companies to direct their products towards certain audiences. Only they can do that, because the data needed to segment markets is overwhelmingly owned by emerging data monopolies, so the only way to reach consumers is through a decreasing number of digital giants. This is all part of surveillance capitalism.

Mergers and acquisitions by digital giants have meant that over half of all digital advertising revenues in the UK are now hoovered up by two companies, Google and Facebook. This is a duopoly. It is the main cause of the 70% reduction in print advertising revenues that has hit newspaper bottom lines so hard, and the dominant position of these social media giants means that in negotiations with news publishers they do not play fair.

I understand that this is a difficult problem to solve: these are global companies so big that they see themselves as being above the law. So let me say to the newspaper industry that I know the situation looks bleak, and it may be disappointed that there are not harder recommendations in this review, but even in these dark days of Brexit and increasing division in politics there is one man who is uniting this House: Mark Zuckerberg. He insulted us all when he refused to attend the Select Committee on Digital, Culture, Media and Sport. He may think that the UK market and our institutions are not a priority for him, but I hope he knows there is now a new resolve that transcends our party differences to deal with abuses by his company and others.

I appreciate that the Secretary of State has asked the Competition and Markets Authority for a market study of digital advertising, but does he agree that this review was actually tasked with looking at that in its terms of reference? It is not his fault that the review has ducked this part of its responsibilities, but the reality is that commissioning the CMA to look at this kicks the can down the road again.

We need a bolder, quicker approach. Having looked at this problem for a couple of years now, I think there is a position and a process that we could all coalesce around. First, we need to address the immediate symptoms of market abuse caused by the data monopolies: the harms, the hate, and the fake news. To do that we need a

[Tom Watson]

new duty of care obligation on social media companies, enforced by a tough new regulator. Last week a Minister indicated that the duty of care could be enforced by criminal sanctions, not just civil penalties, if companies are found to be in breach. Can the Secretary of State confirm that the Government are considering this?

Secondly, we must address the root cause of the problem, which I believe is a distorted digital market. A review by the CMA is all well and good, and we welcome it, but we need to modernise competition laws to make them fit for the data age to really address abuse in the digital market.

Thirdly, once we have dealt with the symptoms and the causes of the problem, we must improve the health of our digital markets by shaping a digital public sphere to bolster our media sector and protect our democracy. I envisage an online sphere where citizens can access trustworthy news from professional reporters and researchers, content from public institutions, central and local government and public service broadcasters, and public services like our great galleries and collections without being surveilled or targeted by advertisers and having to give up their personal data to transact for services. I hope we can commit today to take our lead from the Digital, Culture, Media and Sport Committee and work in a spirit of unity to deal with the destructive dominance of the tech giants.

Jeremy Wright: I am grateful to the hon. Gentleman for his comments. I also welcome his undertaking to work with us; there is undoubtedly a broad measure of agreement across the House, and it would be sensible for us to work together. I also agree with what he said about the Select Committee's work in this space, and we all await its further and final report on the issue of misinformation, which is due imminently.

On the BBC, the hon. Gentleman mentioned two aspects of what the review says. The first was the issue of market impact and the BBC. As I said in my statement, without prejudging the outcome I think it is appropriate to invite Ofcom to see whether more can be done here. I do not imply criticism in that request, but it is sensible for me to follow through on that recommendation of the review. But as the hon. Gentleman will recognise, the review also congratulates the BBC, and indeed the News Media Association, for the development of the local democracy reporter scheme and suggests that it may well be expanded. Again, it would be right for us to pursue that, and it is a recognition of the positive contribution the BBC is making in this space.

The hon. Gentleman also talked about the dominance of Google and Facebook, and that is undoubtedly a stark feature of the review. It is sensible to follow through on the review's recommendation to involve the CMA, as it clearly has a role in determining whether the processes over which it holds sway are being appropriately applied, but I do not believe we should stop there, which is why I intend to begin a Government-centred review of the broader policy implications surrounding the online advertising market. That will follow on from the Furman review of competition issues which is already under way.

The hon. Gentleman mentioned the work the Government are doing on online harms, and he knows that we are considering a number of the issues he has

mentioned, including of course the penalties that ought to be available when online platforms that have understood their responsibilities choose none the less not to exercise them. He also knows that I am committed to ensuring that those penalties are meaningful. He will forgive me for asking him to wait a little longer for the detail, but we will publish the White Paper shortly.

Finally, I agree entirely with what the hon. Gentleman says about the importance of trustworthy news. It is fundamental to our democracy and our society that we can trust what we read, and that there is a means whereby citizens of this country can read proper and informed scrutiny of what those in power are doing. That applies at both national and local level. The purpose of the Cairncross review was always to make a substantial contribution to that debate and to offer some ways forward. I believe it has done that; I have not suggested, and neither has Dame Frances, that it presents all the answers to these very complex problems, but they are problems with which we are right to wrestle as a democracy, and we are right not to let go of the importance of the scrutiny we are all rightly subject to.

Mr John Whittingdale (Maldon) (Con): I very much welcome Dame Frances Cairncross's report, which I believe addresses one of the greatest challenges to properly functioning democracy today. Does my right hon. and learned Friend agree that the priority must be to facilitate more professional journalists to report on the proceedings of local councils, local courts and other local institutions, which are currently all too often going unreported? The BBC's local democracy initiative at least starts to address that challenge, so will he look at ways of expanding that initiative, perhaps by bringing on board to it the technology companies that are currently distributing the content but doing nothing to help collect it?

Jeremy Wright: I agree with my right hon. Friend. A large part of the answer is, as he says, to ensure that there are more professional journalists in the right places at the right times to provide the scrutiny that we all agree is important and necessary. As he has heard me say, the local democracy reporting scheme is a good example of how that might be achieved in the times that we currently live in. I should like to take this opportunity to pay tribute to my right hon. Friend for the part that he played in bringing that scheme into existence in conjunction with the BBC. It is a good thing, but he is right to say that there is scope for further expansion, as Dame Frances Cairncross has also pointed out. That expansion must be paid for, and I will certainly look into his suggestion and pursue further how we might persuade those who are benefiting from the current arrangements to ensure that their worst excesses are mitigated.

Hannah Bardell (Livingston) (SNP): I should like to join the Secretary of State and others in paying tribute to Gordon Banks. The sporting world has indeed lost a giant. In Scotland, we lost another sporting giant yesterday. Kat Lindner was 39, and her untimely death has shocked everyone across the sporting community in Scotland, particularly at Glasgow City where she was formerly a player. She moved to Scotland in 2005 from Germany, and she won every domestic trophy with City. She appeared for the team 173 times and scored 128 goals, helping the club to five league titles, two Scottish cups and two league cups. She is survived by her partner of

16 years, Laura Montgomery. She was not just an athlete but a well respected academic at my own alma mater, the University of Stirling. I am sure that the Secretary of State will join me in marking her sad and untimely death.

We on these Benches—I am a little isolated here today—very much welcome the Cairncross review, and I pay tribute to Frances Cairncross and to Enders Analysis, which supported her work. The review comes at an important moment for our democracy. After the mess of the Vote Leave campaign, the scandal of Cambridge Analytica, the death of Molly Russell and the huge damage that online harm is doing to our young people, the public expect more. My team and I met representatives of the NSPCC recently, and they gave us some statistics. One in seven children between 11 and 18 have been asked to send self-generated images, and 7% of 11 to 16-year-olds have sent naked or semi-naked images. It is so important that we get this right and that we do the necessary work on self-harm. The recommendations to create a better balance between publishers and platforms, and to persuade online platforms to act in a more responsible way, are hugely important.

The issue of fake news has been mentioned, and I am sure that many people believe that it is damaging our democracy and, indeed, the reputation of the tech companies that have a duopoly in this area, as the shadow Secretary of State said. We must take this very seriously. I hope that the Secretary of State will not simply kick the can down the road in regard to the Competition and Markets Authority, and that he will consider adopting as many of the recommendations as possible.

I absolutely agree that the BBC's local democracy initiative has been very positive. However, we have before us the huge issue of the licence fee—a tax on the elderly. I know that that is not a mess of the Secretary of State's making, and I say gently to him that his predecessors appear to have held the BBC to ransom over this issue. That is unacceptable, and I want to work with him and colleagues across the House to ensure that the BBC can be properly funded and that our over-75s get to keep their free licences.

Does the right hon. and learned Gentleman share my concern over the report's finding that the number of frontline journalists has dropped in the past 10 years from 23,000 to 17,000, at a time when we are so in need of good-quality journalism both at home and abroad? The report's recommendations on this are important. Cairncross highlights the fact that although news can be found on television and radio, written journalism supplies the largest quantity of journalism and is most at risk. That has never been more apparent than it is now. I commend to the Secretary of State Lindsey Hilsum's book, "In Extremis", about the late Marie Colvin, who was unlawfully killed by the Assad regime in 2012. As she once said, we have to bear witness in order to make a difference. We rely on our foreign correspondents to bear witness to atrocities and crimes that none of us could ever imagine or bear witness to, and I am sure that we all pay tribute to Marie and her family.

The duopoly of the big tech companies, Facebook and Google, and the behaviour of Mark Zuckerberg have been mentioned. We must pay tribute to the work of the Digital, Culture, Media and Sport Committee on this, but criminal sanctions must be put in place. These tech companies cannot continue to get away with the

kind of things that they have got away with. What measures does the Secretary of State believe will be necessary to bring those companies on board with these proposals? Their response could well be that they will regulate their own content and not submit to any external regulator, so what more does he believe we can do make those changes and put in place the excellent recommendations that Frances Cairncross has presented?

Jeremy Wright: I agree entirely with what the hon. Lady has said about Kat Lindner. Her death is clearly a great tragedy, not just for her family, friends and partner but for all those who have been inspired by her success in the sport that she pursued.

The hon. Lady made reference to a number of aspects of the Cairncross review. She is right to say that we should insist on the platforms taking responsibility for what they can do. One thing they can do is to ensure that the issue of so-called fake news, misinformation and disinformation is addressed robustly. They have the capacity to do that, and as Dame Frances recognises in the review, some good work has been done by the platforms on this, but there is clearly a great deal more that they could achieve. The hon. Lady is also right to say that it is in the interests of the online companies to do that. If they do not do so, they will cause ongoing damage to their reputations, and I know that they will want to take that very seriously.

The hon. Lady mentioned the licence fee concession and its impact on the BBC. She will forgive me if we do not engage in that debate at this point, but I would say that what we expect and hope for from the BBC is something that can be delivered, irrespective of the debate that goes on about the licence fee concession. I know that the BBC is keen to follow up on some of the recommendations in this review and to see how it can help further. The hon. Lady is also right to say that we should pay tribute at every opportunity to those brave journalists who bear witness to what happens not only in this country but around the world, and who, at considerable risk to themselves, take the chance to deliver those messages and bear that witness for our benefit. Marie Colvin and others deserve our thanks.

The hon. Lady rightly picked up the fact that the Cairncross review refers to the possibility of an independent regulator taking responsibility for some of the things that Dame Frances has described. That is something that we are considering in the context of the online harms White Paper, and it might well be that some of the recommendations in this review are best dealt with when bringing forward that White Paper. There will be a Government response, which I think will come in tranches. Some of it will come very quickly, some will be brought into the online harms White Paper, and some will take a little longer.

Mr Iain Duncan Smith (Chingford and Woodford Green) (Con): Following up on what my right hon. and learned Friend said, not only was Gordon Banks the greatest goalkeeper that the world has ever seen, but he was my childhood hero, which is more important.

I welcome my right hon. Friend's statement. The review is overdue and most welcome, and I want to make two particular points about it. First, it is absolutely right to ask for the BBC to be looked at. If a subsidised organisation is able to become a publisher, which it was

[Mr Iain Duncan Smith]

not prior to the arrival of the internet, then it is now in the same space as others that do not benefit from such a subsidy and have to earn money. That has caused a problem, and we must look at how the BBC operates given the amount of money that it receives and at what damage or problems that causes.

Secondly, I agree with the deputy Leader of the Opposition, the hon. Member for West Bromwich East (Tom Watson), that the elephant in the room is the social media companies. Adam Smith makes it clear in “The Wealth of Nations” that this kind of monopoly cartel is damaging to people as individuals and to the functioning of a democratic society. At some point, social media companies will need to be broken up, and the way to do that is to make them publishers and responsible for everything on their sites. Just watch what will happen after that.

Jeremy Wright: I am grateful to my right hon. Friend. On the BBC, there is a balance. It is right to ask Ofcom to consider whether further measures ought to be taken to ensure that the BBC is using its position for good, and it is important at least to ask whether it is facilitating good local content or effectively squeezing out good local providers. However, that is a matter for Ofcom. I repeat that the review also rightly praises the BBC, and the local democracy reporting service should be praised and expanded.

Turning to social media platforms, my right hon. Friend will know that the Government are engaged in several overlapping pieces of work, and the online harms White Paper will address many of the issues he describes. There is an ongoing question as to whether it is appropriate to apply the label of publisher to online companies. However, I am less interested in the label and more interested in what those companies do, how we ensure that they fulfil their responsibilities to the users of their services and then, of course, what should happen if they do not fulfil those responsibilities.

Ian C. Lucas (Wrexham) (Lab): The market dominance of the duopoly affects all our communities, including places such as Wrexham, where *The Leader*, the local paper, and Wrexham.com, the new kid on the block, are under threat due to multinational organisations. It is entirely right to confront the monopolistic situation, and I encourage the Secretary of State to take up the line proposed by the Opposition Front-Bench spokesman and be much more aggressive with the CMA in its dealings to break up that situation so that we can have honest news organisations right across the UK.

Jeremy Wright: The hon. Gentleman knows well that the CMA is rightly independent and will make its own judgments. However, I hope that he will recognise that I have wasted no time in engaging it on this issue. As for the online platforms, he will have heard what I said about the position they hold within the online advertising market in particular, but we must make a distinction here. We must recognise that advertising has changed, probably irrevocably, which is Dame Frances’s view, but we must also ensure that the behaviour of online platforms is not squeezing what is truly good and useful about local journalism and what is essential to the conduct of our democracy.

Sir Peter Bottomley (Worthing West) (Con): I say with too little pride that when BBC Children in Need showed a programme about MPs playing football, I let in a goal at Wembley, but Gordon Banks let in more.

When it comes to professional and public interest journalism, the recommendations in chapter 6 of the Cairncross review are important for everyone to read. With the Secretary of State having referred to how the BBC is helping local journalism, may I take this opportunity to say that today is the last day for responses to the BBC consultation on age-related licences? I hope that the Secretary of State will consider whether the Treasury could make it possible for the value of the licence concession to the over-75s to be taken into account in the old-age pensioners free tax allowance, so that the money can be recycled into the BBC. That would be a far better way of making the licence means-related than any of the other suggestions in the consultation.

Jeremy Wright: My hon. Friend makes an interesting suggestion, which I am sure both my Department and the Treasury will want to consider. He will expect me to say that the BBC has not yet come to any conclusions. The consultation process in which it quite rightly engaged is only now coming to an end, and it is right that the BBC has the opportunity to consider what has been said and to bring forward its proposals, which we will then consider and respond to.

Christine Jardine (Edinburgh West) (LD): I associate myself with the remarks of the Secretary of State and the hon. Member for Livingston (Hannah Bardell).

As someone who lived through the reduction in the number of jobs and the shrinking circulation figures, and whose family was directly affected by them, I recognise everything in this report and welcome its recommendations. Many of them, such as a new institute for public interest news and tax breaks for non-profit and charitable organisations, are very welcome. Less welcome, though, is the sideswipe at the BBC for the local democracy reporter scheme, which is vital in protecting local democracy, although one problem with the scheme may be that it has been consumed by the four biggest players. In taking this issue forward, perhaps the Secretary of State might consider some way of protecting local and hyperlocal publications by ensuring they are part of the scheme so they are not eaten up by the bigger organisations.

Jeremy Wright: I take the hon. Lady’s point about hyperlocal reporting. As we seek to expand what is currently provided, it is important that the scheme focuses on the very local provision that people are particularly keen on having. However, to be fair to Dame Frances and, indeed, to the BBC, I do not think she was taking a swipe at the BBC’s local democracy reporter scheme. I think her view of that scheme, like mine, is that it is a very positive move that has worked well on the scale at which it currently operates, and there is capacity for it to do more if we can find a way to expand it, as we discussed a little earlier.

Although there are questions to be asked about the BBC’s engagement in this space, and we will ask those questions, the Cairncross review’s view on the local democracy reporter scheme is, broadly speaking, positive.

Robert Halfon (Harlow) (Con): Only a few years ago, three local free newspapers went to almost every home in Harlow. The last one, the *Harlow Star*, has shut its doors in the last couple of weeks and residents have nothing. This has disenfranchised thousands of residents in my constituency—not just the elderly but those who cannot afford the internet—and some of them have been ringing my office asking me to send them or read them the news. That is where we are.

Despite our having an incredible online newspaper, *Your Harlow*, and a possible new paid-for Harlow edition of the *Epping Forest Guardian*, the fact remains that thousands of people are going to be disenfranchised. Will my right hon. and learned Friend use this opportunity to help small community organisations that may already have small publications either with some kind of tax credit or with a special grant, just as we give grants to entrepreneurs to start small businesses, to ensure that people are not left out of receiving the news, especially as we have had a basically free newspaper in our town since 1953?

Jeremy Wright: I agree with my right hon. Friend, and I join him in paying tribute to *Your Harlow*, which is a sadly all-too-rare example of a local news institution that has transferred online successfully. He mentions other titles that have not survived and, as he knows, that experience is replicated across the country.

On tax reliefs and other forms of incentive that we are able to offer, we will consider what Dame Frances says very carefully. One attraction of at least one of the methods she suggests is that it will enable us to focus on the public interest news that she speaks so much about and that we want to see supported. If we do that, it would be a good case to make.

Clive Efford (Eltham) (Lab): I have not yet read the whole report, but I am surprised by the focus on the BBC when these two internet giants are dominating and hoovering up all the advertising revenue. Is it not important that we focus our attention on where the problem lies, rather than undermining the BBC at a time when so much fake news finds its way on to our computer screens so easily via those platforms?

Jeremy Wright: I cannot speak for the exchanges today but, when the hon. Gentleman reads the report, I reassure him that he will see much more focus on Google and Facebook than on the BBC. As I said earlier, Dame Frances's view on the BBC is much more balanced than some of the reporting would suggest.

Sir Edward Leigh (Gainsborough) (Con): Codes and reviews are all very well, but we are being weak with these American tech giants, and I think they are taking us for fools. They are a monopolistic, anti-competitive force in our society. This is not a luddite view; I believe in competition. I very much echo what my right hon. Friend the Member for Chingford and Woodford Green (Mr Duncan Smith) said: they should pay the same tax, have the same level of responsibility and be held to the same account as every other company—every other publisher. They are simply sucking the life out of our retail sector and out of local newspapers. I agree entirely with what the Opposition spokesman said: we have to be far more robust. They are attacking our children; they are using manipulative, addictive practices to trap

our children. We have seen the publicity about dating apps and the rest. So let us be strong and robust, and let these companies play by the same rules as everybody else.

Jeremy Wright: My hon. Friend will recognise that one reason why these companies are such a force in our society, as he says, is that so many of our constituents use their products so extensively. That is a fact of modern life, with which we must contend. It is also apparent that it will be difficult and perhaps wrong for us to assume that we can treat these companies in exactly the same way as we can treat newspapers and their editors. But none of that means that we need to abdicate our responsibility to ensure that these companies fulfil theirs. The Government intend to ensure that they do, and he will see, when we bring forward the White Paper and we talk about some of the issues that have been canvassed this afternoon, that the Government have every intention of making sure that these companies do live up to their responsibilities.

Ian Paisley (North Antrim) (DUP): I would like to associate my colleagues and myself with the tributes paid to Gordon Banks. This weekend, we will have the Northern Ireland BetMcLean league cup final, and I am sure the Secretary of State will want to take the opportunity to wish Ballymena United and Linfield Football Club all the best as they compete for that cup—I hope the sky blues win.

We are dealing here with the concentration of enormous economic power with the few, and with a very few platforms and platform owners; the dangerous monopoly of expertise; the power of surveillance; the fact that the much-promised encryption and privacy of personal data does not exist, even in WhatsApp; and the unlimited potential for the abuse of technology and people. Surely the Secretary of State agrees that the commercial strength and share of the advertising market of these new platforms, the personal wealth of those who own them and the monopoly of personal data are, in the words of this important review, each alone a “justification” for regulation. Surely he agrees that much more must be done immediately. Will he join me and the deputy leader of the Labour party in saying from the Dispatch Box that there must immediately be put on these companies a duty of care to all those who use them? That will be the first wake-up call and the first sobering reality that these platforms will face.

Unfortunately, I fear that the Government, once again, have pulled their punches on the BBC. The BBC has huge firepower compared with ITV and UTV, its subsidiary in Northern Ireland. It has the largest news-watching audience, yet the BBC competes deliberately against it to undermine it in Northern Ireland. That disadvantage must stop as soon as possible.

Madam Deputy Speaker (Dame Rosie Winterton): Order. We have a ten-minute rule Bill and important business to move on to, so I ask colleagues to make questions and, correspondingly, answers short.

Jeremy Wright: Thank you, Madam Deputy Speaker. I will do my best. I am grateful to the hon. Gentleman for inviting me to wish both sides in the Northern Ireland cup final well. That is much easier to do, and I

[Jeremy Wright]

am happy to join him in doing that. As for the BBC, there are no Government punches being thrown here, pulled or otherwise; we are talking about the recommendation of an independent review and, as I say, Dame Frances is making a sensible and balanced set of proposals. As for his comments about the online platforms, I agree with him that there are concerns about the concentration of market power in very few hands and about the responsibilities of these companies to keep their users safe online. I can tell him that the Government are conscious about acting on both those things. I shall be giving some of the messages he has just outlined directly to the online platforms when I travel to the United States next week.

Paul Farrelly (Newcastle-under-Lyme) (Lab): I thank the Secretary of State for his kind words about Gordon Banks. He was not only England's greatest goalkeeper, but Stoke City's—the Potters'—greatest goalkeeper, too. He was also a friend of mine. He lived in my borough of Newcastle-under-Lyme. I well remember going to see him in the 1960s when he first joined Stoke and my dad took me to the terraces of the old Victoria Ground.

I come from North Staffordshire, which is well served by its local newspaper, *The Sentinel*. It is a tribute to the editor, Martin Tideswell—Stoke born and bred—that in these difficult days and times it not only comes out six days a week, but has managed to keep a lot of display and classified advertising. The Government clearly cannot subsidise newspapers; that is not what journalism is about. Is it not about time that the major beneficiaries online, such as Google and Facebook, not only pay their taxes, but are held better to account over copyright and pay fairer dues to publishers, including those of national and local newspapers?

Jeremy Wright: On the hon. Gentleman's last point, he will know that the Government supported the progress of the EU directive on copyright. We believe it appropriate that those who create content are properly rewarded for what they do. As he knows, this is a complex area, but we are keen to see further measures to ensure that content creators are properly rewarded.

Rebecca Pow (Taunton Deane) (Con): Having had a career in the media, I appreciate the importance of accuracy in reporting and am a supporter of my local *Somerset County Gazette* and the *Wellington Weekly News*, because they should be cornerstones of local democracy. In that respect, I welcome the recommendations in the Cairncross review to set up the independent institute to promote local investigative journalism and the provision of public interest news.

Our Digital, Culture, Media and Sport Committee inquiry into fake news and disinformation highlighted the threats facing high-quality journalism, largely through the use of algorithms and bots to spread what is effectively fake news—stories that are not true—to huge audiences. Does my hon. Friend agree that that needs addressing with strong measures against the publishers promulgating it? Does he also agree that the traditional media outlets that often pick up these clickbait stories should themselves be responsible for promoting good-quality journalism so that the public know who they can trust? Will my right hon. Friend give assurances that that will be addressed through the proposed new institute?

Jeremy Wright: As my hon. Friend knows, and as I have reported to the House, the *Somerset County Gazette* was the first newspaper I ever appeared in, so I have always had a soft spot for it. What she said is right; it is important that all media outlets take responsibility for checking what they put into their particular publications, whether they are online or not. She can expect that we will be taking up many of the themes that her Select Committee has so expertly covered in its inquiry.

Liz Saville Roberts (Dwyfor Meirionnydd) (PC): I rise as the chair of the cross-party group for the National Union of Journalists and also as a former local newspaper reporter for the *Caernarfon and Denbigh Herald* and the *Holyhead and Anglesey Mail*. Let us face facts: it is not the BBC that is closing down local papers or debate on local democracy. The *Cambrian News* has been a vital source of news for almost 160 years in mid-Wales. There is a responsibility there for Government to maintain that tradition. The recommended tax relief measures are welcome, but does the Secretary of State not agree that by making Facebook and Google pay for the journalist content they use, he would be taking a first pragmatic step in offsetting the huge loss of advertising revenue to the tech giants, which is what is closing down local papers?

Jeremy Wright: When the hon. Lady has the chance to read the report in full, she will see for herself that the focus of the report is not criticism of the BBC, and it is important that is recognised. So far as payment for content by the online platforms is concerned, when she reads the report she will see that Dame Frances does not suggest we pursue that. Fundamentally, her concern is that if we did that, we may in fact see less news in total. That is not the objective that she or we would have.

Mr Robert Goodwill (Scarborough and Whitby) (Con): A significant source of revenue for papers such as the *Scarborough News* and the *Whitby Gazette* are the statutory notices informing local residents about planning applications, road closures and so on. Will the Secretary of State reassure the House that it will continue to be an obligation for these advertisements to be carried in local newspapers?

Jeremy Wright: We will of course have to consider that very carefully, but I know that my hon. Friend will recognise that the primary purpose of the exercise is to make sure that people in a given local area know what is happening. Therefore, it is important that channels are used that will reach the maximum number of people, and that must be the guiding principle in this exercise.

Jeremy Lefroy (Stafford) (Con): May I associate myself with the comments about the late Gordon Banks who was both a national hero and a local hero for all his work in Stoke and Staffordshire, particularly in raising huge amounts of money for charity?

I welcome the local democracy reporting service. The Secretary of State and I heard about that work last week. May I encourage its expansion? I also pay tribute to those local reporters who, quite often, face the same kind of attack, online and offline, that we, as Members of Parliament, face, and that our staff face in carrying out our work.

Jeremy Wright: Yes, I agree with my hon. Friend. I am grateful to him for hosting and chairing the meeting that gave me the opportunity to meet those remarkable reporters. As he said, they do good work, they face unfair attack and criticism for it and we should take every opportunity to stand up for them.

Dr Matthew Offord (Hendon) (Con): When I worked in the policy and strategy department at the BBC, I tasked myself with answering the question of whether the licence fee was sustainable in a digital age. I came to the conclusion that it was not, and others did as well. It was known within the BBC the effect that this was having on local journalism. Is the Secretary of State also aware that the BBC has tentacles in other areas such as BBC Worldwide, Radio 1 and BBC Films, which are all competing with the commercial sector? While we are talking about journalism today, we will, in the future, be talking about other areas.

Jeremy Wright: My hon. Friend raises much broader questions about the BBC and its place in the broadcasting landscape that I know he will recognise. The problem that the Cairncross review is focused on, which is the diminution of local news outlets of the traditional kind, is a problem that is not restricted to the UK where the BBC is pre-eminent, but exists across the world in other jurisdictions where the BBC has no similar role.

Stephen McPartland (Stevenage) (Con): In Stevenage, we are well served with the *Stevenage Comet*, which is a free weekly newspaper that was once delivered to every household but is now delivered to about half the households. However, it is supported by the local community through advertising. Has the Minister considered what the impact would be if we reduced VAT on advertising in free weekly newspapers?

Jeremy Wright: We will certainly consider some of the tax recommendations that are made by Dame Frances in her review, but my hon. Friend will recognise that the fundamental problem is that a large proportion of the advertising that used to find its way into local newspapers is now being done online. That is what has driven the need for us to consider these very fundamental questions about the way in which public interest journalism in particular should be funded. The review gives us a good start on that, and that is what we will persist with.

James Heappey (Wells) (Con): Our local papers have an essential role in chronicling all that happens in our local communities. Their archives are therefore an important local resource, so the Secretary of State will be alarmed to hear that, when Trinity Mirror took over the Mid Somerset newspapers in 2016, it removed from Wells all of those archives, and despite many promises of their return it has failed to deliver thus far. Will my right hon. Friend intervene and seek to expedite their return from Watford to Wells?

Jeremy Wright: I will certainly look into what my hon. Friend says. I agree with the general tenor of his remarks. It is important that we not only preserve the ability of our local newspapers to report on what happens now and what will happen in the future, but do our best to preserve the crucial record that they have created of what has happened in the past.

Points of Order

3.53 pm

Andy McDonald (Middlesbrough) (Lab): On a point of order, Madam Deputy Speaker. In answer to an urgent question on 8 January, the Transport Secretary claimed that his decision to award a contract to Seaborne Freight incurred no cost to the taxpayer, telling the House that

“we are not spending money unless these ferries operate.”—[*Official Report*, 8 January 2019; Vol. 652, c. 191.]

Yesterday, the National Audit Office found that £800,000 had been spent on external consultants to assess the bid. The ministerial code says that

“it is of paramount importance that Ministers give accurate and truthful information to Parliament, correcting any inadvertent error at the earliest opportunity. Ministers who knowingly mislead Parliament will be expected to offer their resignation to the Prime Minister”.

Has the Secretary of State indicated to you that he plans to make a personal statement to the House on his conduct in relation to this matter?

Madam Deputy Speaker (Dame Rosie Winterton): I thank the hon. Gentleman for giving me notice of his point of order. I understand that he has also advised the Secretary of State's office that he would be raising the matter. If the Secretary of State believes that he has inadvertently misled the House, I am sure that he will take steps to correct the record. Of course, he may have a different view of the facts, but I am sure that all of this will be the subject of further scrutiny and debate. The shadow Secretary of State has put his view on the record, so the Treasury Bench will have heard it, and there are many other ways in which he can pursue this matter for further information.

Mr Gregory Campbell (East Londonderry) (DUP): On a point of order, Madam Deputy Speaker. Several days ago a local newspaper in Northern Ireland, the *News Letter*, carried a story about two Sinn Féin MPs with the headline:

“Sinn Féin MPs did not register trip at Venezuelan government expense”.

After reading the story, I wrote to the Parliamentary Commissioner for Standards about the matter. All Members will be aware of sanctions that can be levied against Members who take their seats and fall foul of the registration process, but I seek your guidance and that of the office of the Speaker regarding Members who do not take their seats and are still subject to a registration process, but who in this case appear not to have followed that process. Setting aside the politics of going on a visit to a dictator in Venezuela, the actual registration process appears not to have been carried out. What sanctions will follow given that those Members do not take their seats and therefore do not get a salary? How will financial sanctions or other types of sanction be levied if, indeed, those Members are found to be guilty?

Madam Deputy Speaker: I thank the hon. Gentleman for giving me notice that he wished to raise this point of order. I can confirm that the requirement to register financial interests applies equally to Members who have not taken their seats as it does to Members who have done so. Registrations should be made within 28 days of

[Madam Deputy Speaker]

any appropriate hospitality. It is far too early to talk of sanctions, but the hon. Gentleman has raised the matter with the Parliamentary Commissioner for Standards and put his concerns before the House.

Child Cruelty (Sentences)

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

3.58 pm

Tom Tugendhat (Tonbridge and Malling) (Con): I beg to move,

That leave be given to bring in a Bill to increase the maximum custodial sentence for the offences of child cruelty and causing or allowing a child or vulnerable adult to die or suffer serious physical harm to imprisonment for life; and for connected purposes.

I very much thank all Members of this House who have come here today in support of this Bill. The purpose of this Bill—Tony's law—is to ensure that individuals who commit the most serious acts of cruelty against children face appropriate punishment when convicted of this crime. At the moment, the maximum sentence stands at 10 years. I would like to see this raised to life imprisonment.

I would like to pay tribute to Tony Hudgell, who is the inspiration for this Bill and is in the Gallery today, accompanied by his mother, Paula, and others from his real family—the family who love and care for him. This House has had the pleasure of their company before—in January, when I presented their petition of 12,000 signatures calling on the Government to reconsider the maximum sentence for child cruelty. This Bill continues their campaign and I am proud to put it before the House today.

Shortly after Tony Hudgell was born, he was attacked by his biological parents. They broke his fingers and his toes. They tore the ligaments in his legs. They caused such terrible damage that both his legs had to be amputated and Tony is now wheelchair-bound. Tony was only admitted to hospital 10 days after these injuries were inflicted. We can only imagine how much pain he suffered in the first weeks of his life. It is Tony's enormous good fortune that he was fostered and then adopted by Paula, her husband Mark and their children, who have loved and looked after him ever since.

Tony's case is extreme, but sadly it is not unique. Last December, the National Society for the Prevention of Cruelty to Children said that almost 17,000 cases of child cruelty or neglect were reported to the police in the past five years—an average of over 3,000 cases each year, double the number reported in the previous five years. Sadly, too few result in a conviction. Paula had to take Tony's case back to the courts after the Crown Prosecution Service initially failed to bring a successful charge against his biological parents. I am pursuing the possible reasons behind this with the Minister of State, Ministry of Justice, my hon. Friend the Member for Penrith and The Border (Rory Stewart), with whom I had a fruitful meeting last week. I am grateful to see him in his place. I thank him for the time he has taken in considering this matter and look forward to further discussions with him on it.

I realise that child cruelty is a difficult crime to take through the courts, and those figures reflect this fact. That is, not least, because it is so often conducted in secret behind closed doors, with only the victim, a child, as the witness. I understand that proving the intent to harm is therefore extremely hard. I realise that this means that prosecutions for grievous bodily harm, with the harsher punishments that would then be available, are not easy to bring. But should that really mean that the sentence is lighter than that which would have been

available? Carers and parents who harm the children they are responsible for are betraying a trust and undermining our society. It is a wrong that we all know cries out for justice. That is why I welcome the legal reform that was introduced a number of years ago that enabled us to bring child cruelty charges in the first place.

However, should the difficulty really lead to a more lenient sentence? Why does an individual who commits grievous bodily harm face a maximum sentence of life or, more often, 16 years in prison, while those who commit child cruelty or neglect have a maximum of 10 years? As the judge said, in this exceptional circumstance he would have given more had it been available. In exceptional circumstances such as Tony's, when the only two people in the house were jointly responsible for the harm done to an innocent baby, the difficulty of proving intent should not allow a lighter punishment. In cases like Tony's, where the abuse is better described as torture, how can child cruelty attract a maximum sentence that is so much shorter when the young victims of such cruelty may live with the consequences for their whole lives?

To address this discrepancy, and to give judges more discretion, I propose amending two Acts—the Domestic Violence, Crime and Victims Act 2004 and the Children and Young Persons Act 1933—by extending the term of the relevant sentences. These amendments are not intended to be used often. Indeed, I pray, as I am sure we all do, that they are never used at all. But they would, only in exceptional circumstances where judges think that they are more appropriate, allow longer sentences, in line with crimes against adults—crimes that are more public, more visible and are not hidden behind closed doors, but have similarly life-changing consequences.

I seek to do this not only on behalf of Tony Hudgell but for all those innocent children who have been, or are, at risk of falling victims to the most awful of crimes. I commend this Bill to the House.

Question put and agreed to.

Ordered,

That Tom Tugendhat, Sarah Champion, Tim Loughton, Bob Blackman, Philip Davies, Mr Edward Vaizey, Henry Smith, Ruth Smeeth, Ian Austin, Victoria Prentis, John Mann and Nicky Morgan present the Bill.

Tom Tugendhat accordingly presented the Bill.

Bill read the First time; to be read a Second time on Friday 15 March and to be printed (Bill 334).

Mental Capacity (Amendment) Bill [*Lords*]

Consideration of Bill, as amended in the Public Bill Committee

Clause 6

EXTENT, COMMENCEMENT AND SHORT TITLE

4.5 pm

Chris Bryant (Rhondda) (Lab): I beg to move amendment 1, page 5, line 10, at end insert—

“(3A) Before making any regulations under subsection (3)(b), the Secretary of State must lay before Parliament a report on—

- (a) the likely effects of the provisions of this Act on persons undergoing rehabilitation for brain injuries, and
- (b) the interaction between the provisions of this Act and the processes for prescribing for brain injury rehabilitation therapy.”

Mr Deputy Speaker (Sir Lindsay Hoyle): With this it will be convenient to discuss the following:

Government amendments 5 to 32.

Amendment 2, in schedule 1, page 15, line 24, at end insert—

- “(d) the effects of any treatment undergone by the cared-for person, including prescription brain injury rehabilitation therapy.”

Government amendments 33 to 37.

Amendment 49, page 16, line, leave out from “out” to the end of line 16, and insert

“by the responsible body.”

This amendment would require the responsible body to carry out the consultation in all cases.

Government amendment 38.

Amendment 50, page 17, line 13, at end insert—

- “(ca) the arrangements are being authorised under paragraph 16 of this Schedule, or”

This amendment would require an AMCP to review all cases where the responsible body is authorising arrangements based on a statement provided by a care home manager.

Government amendment 39.

Amendment 48, page 18, line 21, at end insert—

“Authorisation charges

24A No charges may be made in relation to the steps taken in determining whether the responsible body may authorise the arrangements for the cared-for person.”

Amendment 3, page 18, line 35, at end insert “or

- (c) at the end of a period of prescription brain injury rehabilitation therapy undergone by the cared-for person.”

Amendment 4, page 20, line 4, after “met” insert

“taking into account any treatment to be undergone by the cared-for person, including prescription brain injury rehabilitation therapy.”

Government amendments 40 to 46.

Amendment 51, page 23, line 1, leave out paragraphs 39 and 40 and insert—

“39 (1) The responsible body must appoint an IMCA to represent and support the cared-for person if—

- (a) one or more of sub-paragraphs (2), (3), (4) or (5) applies, and
- (b) sub-paragraph (6) does not apply.

(2) The cared-for person makes a request to the responsible body for an IMCA to be appointed.

(3) The responsible body has not identified an ‘appropriate person’ to support and represent the cared-for person in matters connected with the authorisation.

(4) The responsible body has identified an ‘appropriate person’ to support and represent the cared-for person in matters connected with the authorisation, and they have made a request to the responsible body for an IMCA to be appointed.

(5) The responsible body has reason to believe one or more of the following—

- (a) that, without the help of an IMCA, the cared-for person and any appropriate person supporting and representing them would be unable to understand or exercise one or more of the relevant rights;
- (b) that the cared-for person and any appropriate person supporting and representing them have each failed to exercise a relevant right when it would have been reasonable to exercise it;
- (c) that the cared-for person and any appropriate person supporting and representing them are each unlikely to exercise a relevant right when it would be reasonable to exercise it.

(6) The cared-for person objects to being represented and supported by an IMCA.

(7) A person is not to be regarded as an ‘appropriate person’ to represent and support the cared-for person in matters connected with this schedule unless—

- (a) they consent to representing and supporting the cared-for person,
- (b) they are not engaged in providing care or treatment for the cared-for person in a professional capacity,
- (c) where the cared-for person is able to express a view about who they would like to represent and support them, the cared-for person agree to being represented and supported by that person,
- (d) where the cared-for person is unable to express a view about who they would like to represent and support them, the responsible body has no reason to believe that the cared-for person would object to being represented and supported by that person,
- (e) they are both willing and able to assist the cared-for person in understanding and exercising the relevant rights under this Schedule, including with the support of an IMCA if appropriate.

(8) The ‘relevant rights’ under this schedule include rights to request a review under Part III of this Schedule, and the right to make an application to the court to exercise its jurisdiction under section 21ZA of this Act.”

This amendment would broaden the provision of advocacy, ensuring that advocates are provided as a default unless the cared-for person does not want one.

Government amendment 47.

Chris Bryant: I will speak to amendment 1 and the three other amendments in my name and the names of several colleagues.

I want to start with enormous praise for the national health service, which in many cases makes the key decisions on everything that we will talk about today. Sometimes those are very difficult decisions, including for families, and they need to be managed with care and sensitivity. Ensuring that we have the right law in place to enable clinicians to make the right decisions is vital. I was on the Public Bill Committee for the Mental Health Act 2007 under the Labour Government, and I remember many of the rows and difficulties then. Ensuring that legislation fits the complicated circumstances of

real life is not all that easy, and in particular, the definition of what might be proper treatment is not readily come by.

Often lobbyists get a really bad press. My experience of lobbyists in this field is entirely positive, including those working for the pharmaceutical industry, who do an amazing job in providing new drugs that can save people’s lives and manage their conditions much better, and the many charities in this field. When lobbyists are decried, I sometimes want to point out that they play an important part in ensuring that Members of Parliament know exactly what they are doing when it comes to legislation.

All the amendments that I have tabled relate to acquired brain injury. I am aware that several other colleagues who are members of the all-party parliamentary group on acquired brain injury are here today. I do not want to make an apology for that, but I want to explain why I have tabled these amendments. It is partly because I believe that acquired brain injury, though recognised and understood by some, is something of a hidden epidemic in Britain.

Something like 1.4 million people in this country are living with an acquired brain injury. A new person presents at accident and emergency with a brain injury every 90 seconds. Many of these injuries have lasting effects that are completely invisible to an ordinary member of the public. For instance, the person standing in front of us in a queue who is being difficult might look as if they are drunk or just being difficult, but they may have a brain injury. We would have no idea, and the person feels trapped and finds the situation as difficult as we do. The more we come to an understanding of acquired brain injury in this country, the better.

There are many different causes of brain injury, including road traffic accidents, accidents about the home and stroke. One cause that has been brought home to me recently is carbon monoxide poisoning. Not only the high level of carbon monoxide poisoning that follows an incident, but a sustained low level of carbon monoxide due to poor central heating systems or facilities or something like a Calor gas burner in a home, can end up causing a long-term brain injury. This particularly affects some of those who live in the worst housing in the land, and who are the poorest and least able to afford, for instance, to have their boiler mended or assessed every year.

Mrs Madeleine Moon (Bridgend) (Lab): Is my hon. Friend aware of the problem that some members of the armed forces face with acquired brain injury? It may be because they were involved in or close to the explosion of an improvised explosive device, or because they had a gunshot wound, when the head covering was hit but not penetrated, and the shock can lead to acquired brain injury.

Chris Bryant: My hon. Friend makes a very important point. I know the role she has played, in particular in the all-party group on the armed forces, and of course in the NATO Parliamentary Assembly. She is absolutely right, and there are sometimes coup and contrecoup elements of damage to the brain. There is also some evidence to suggest that some people diagnosed with post-traumatic stress disorder have actually been suffering from a brain injury.

Interestingly, the Ministry of Defence has done some of the most innovative work in relation to brain injuries—physical brain injuries, as it were—and it has been able to transfer some of the skills and research involved in that work to the wider population, which is all to the good. However, I think that the way in which the mind sits inside the brain and the brain sits inside the skull is one of the areas of research that is still underdeveloped, and we still need to do a great deal more about it.

Other causes include brain tumours and chronic traumatic encephalopathy, where somebody may have had a series of relatively minor concussions. There is a complete misunderstanding of what concussion actually involves, particularly in sport. This might be leading to some of the long-term sustained problems of, for example, people in my own constituency who played rugby for many years and had repeated concussions. They may suffer from dementia, depression and anxiety in later life, but have no understanding that that may relate to a brain injury, rather than to anything else.

Mr Jim Cunningham (Coventry South) (Lab): While we are talking about sport, may I say that this does not involve only rugby players? There is now evidence that footballers, particularly those heading the ball, suffer sustained brain injuries. It used to be interpreted as dementia, but it is a lot more serious than that. Has my hon. Friend had any discussions with the Football League about that?

Chris Bryant: I have had lots of discussions, some of them more fruitful than others, with the Football Association.

It is wholly to be deprecated that FIFA still will not allow a full substitution for an assessment of brain injury during a match. Ten minutes are needed to do a proper assessment on the pitch, but at the moment only three minutes is available in a FIFA match. There can be no substitution, and it is not therefore in the team's interests to take the person off the pitch. I think that this must change. If there is one thing that I hope Parliament will say to FIFA about this in the next few months, it is that this must change. People we talk of as heroes, such as Jeff Astle, have died because of heading the ball. If those who are heroes to our young people today end up suffering in later life because of what they sustained in their footballing career, we will have done them a terrible disservice.

Catherine West (Hornsey and Wood Green) (Lab): Does my hon. Friend agree that this applies equally to those who play rugby league, and in fact perhaps more, given the impact that some tackles occasionally have?

Chris Bryant: My hon. Friend makes a very good point. One of the things about rugby league and about rugby union, which I know rather better, being from south Wales—[*Interruption.*] I do not think it is parliamentary to tut-tut from the Chair, Mr Deputy Speaker, if you don't mind my saying so. The truth is that many of the players today are bigger, stronger and faster, so the impacts may be much more significant than they were in the past. Curiously, when we watch some of the commentary on Twitter and Facebook about matches, we see a kind of rejoicing in the physical pain that people are going through, and I think we really need to

roll that back. We need to roll that back so that we are actually caring about the players. Quite often the players themselves will be desperate to go back on. It should not be the player who makes that decision; it should be an independent doctor who makes it. [*Interruption.*] I think you want to intervene on me, Mr Deputy Speaker.

Mr Deputy Speaker (Sir Lindsay Hoyle): The tut-tut was to say that the hon. Gentleman would benefit from knowing both types of rugby. The only thing I would add, just to help his case, is that in rugby league a player is taken off for a full assessment by a doctor and not allowed back on. That is the benefit on which rugby league is leading the sport.

Chris Bryant: I am glad I took that intervention. It is unusual to get an intervention from the Chair, but I think we welcome this new style of chairing.

Mr Deputy Speaker: It was a clarification.

Chris Bryant: I am tempted to make a point of order! No—you are absolutely right, Mr Deputy Speaker.

The key thing is to have the same protocols for all sports, so that there is the same protection. A child might play rugby league one year and rugby union the next; if there are different protocols, that will undermine the whole system. Incidentally, the point also applies to a whole range of other sports—hockey and ice hockey, as well as American football, in which there is growing interest in the United Kingdom. We should not let the issue be led by litigation, which is what has happened in the United States of America: we should let it be led by the medical science, which is rapidly changing.

4.15 pm

Acquired brain injury affects nearly every Department of Government. We have already referred to defence, thanks to my hon. Friend the Member for Bridgend (Mrs Moon). The Department of Health and Social Care is represented here today; I know that the Under-Secretary of State for Health and Social Care, the hon. Member for Winchester (Steve Brine), is looking at the report that we have produced and I hope he will come back to us about it fairly soon. The issues are also key for the Ministry of Housing, Communities and Local Government and the Department for Work and Pensions, which must make sure that people get proper protection and support.

The issues are also important for the Department for Education because there is often a complete misunderstanding when a child has had a brain injury. They may be fine five weeks later, but the real problems come with neuro-cognitive stall—maybe a year later. The teachers, and perhaps even the parents, have forgotten about it. Consequently, when the child is not performing well or is slow at school, it feels as if they are being unruly and disruptive. They end up on the naughty step and that ends in a cycle of not being supported, which can lead into the criminal justice system. The issues, of course, also affect the criminal justice system and the Home Office.

The Bill will, of course, directly affect a lot of people with acquired brain injury. I clearly remember one of my grandmother's cousins. She was one of three: there were three sisters who never married—Katherine, Isobel

and Alison Gracie. Alison Gracie had a stroke and then a fall down a flight of stairs. The combination of the two meant that we could see the same person inside, but the mental pain that she was suffering was intense. She would hit her head all the time, using a Scottish phrase—her words, not mine: “MD, MD, MD!” That meant “mentally deficient”, the phrase of the time in Scotland. I feel passionately that we need to get this right when it comes to making decisions on behalf of people who may not be able to make them properly for themselves.

ABI, or acquired brain injury, can affect many different aspects of mental capacity. There is short-term memory, which is important for knowing to turn up for the meeting; long-term memory, which is being able to recognise the decision we made last week or month and its consequences; and emotional regulation, which is being able to deal with anger and other emotions that may wash over us. Some of those may be more difficult to regulate when someone has had a physical injury to the brain. Then, of course, the executive function—the capacity for planning and organisation—may be harmed as well.

Mrs Moon: My hon. Friend is being generous in giving way. One of the things that concern me most is that it is easy to label someone with any form of brain injury—whether dementia, Parkinson’s or anything else—when they also have an infection. What can be seen as difficult behaviour can be misunderstood when it is caused by the infection rather than by any acquired injury or illness.

Chris Bryant: Yes. People will also attribute bad intention to the person when what is happening is that the short-term memory is simply not functioning properly. For instance, someone with very little short-term memory may find it difficult to turn up on time, as I mentioned earlier. That may be not because they are being lazy, truculent or difficult but simply because their brain does not work in that way. It may mean that their capacity is so diminished that, according to the Bill, they cannot make decisions. Alternatively, it might just be one of the elements that needs to be dealt with—they need to find tricks to circumvent the problem, and medical and clinical professionals can help.

This is why I tabled my amendments. Neurorehabilitation, when done well and on a sustained basis, can take an individual from being low functioning and high dependency, perhaps needing three or four people just to be able to wash themselves, clothe themselves and provide for themselves physically, to a much higher level of personal functionality and much greater independence. I have made that argument from a different place, in the sense that taking someone from needing four people to look after them to just one person coming in once a day for an hour or so could be an enormous financial saving to the taxpayer. That is why neurorehabilitation and the work that has been done in many cases can be so important.

Neurorehabilitation is really important in relation to the Bill. We might be able to take somebody from a place where they are not truly able to make a decision about what treatment they should be undergoing and, according the Bill, deprive them of their liberty, to a place where that would no longer be appropriate. My anxiety is that if there is no incentive in the system to ensure that neurorehabilitation is provided to people,

there is a danger that we just discard them and leave them by the side, particularly as we are now talking about a three-year term rather than a one-year term. I think the clauses at the end of the Bill militate in favour of renewal, rather than providing a clear option not to renew at that point.

I have an anxiety that perhaps in some care homes and other places there just might be an incentive to think, “Well, this person isn’t going to get better so we’re not going to do anything to try to help them to get better.” I do not want to give up on so many people. Thanks to what the Government have done with the major trauma centres, we now save about 800 or 1,000 more lives every year following road traffic accidents and the like, but we need to give people quality of life. We do not have enough people working in this field. We need to recruit many more people. If 20 people were inspired by what we are talking about today to go and work in that field—there are so many high rewards for people working to take people from high dependency to low dependency—that would be a success in itself.

Liz Twist (Blaydon) (Lab): Does my hon. Friend agree that the all-party group inquiry heard some remarkable examples of people who have gone through the pathway with neurorehabilitation prescriptions and are increasingly able, with great work and support on everyone’s part, to carry out many functions?

Chris Bryant: Absolutely. One key thing that we saw repeatedly—this is an issue for the Bill, I think—was the fluctuating nature of some brain injuries. For instance, fatigue is a very common feature of many brain injuries. I do not mean just feeling tired because you are sitting at the back of a debate in the House of Commons and somebody is wittering on for far too long and you fall asleep, but real, genuine fatigue. I mean the kind of lassitude that leaves you unable to move from one side of the bed to the other. It is often misunderstood, because it might look like laziness to somebody with a judgmental eye. That lassitude can pass or go through phases and can sometimes be a bit difficult to explain or predict. I am therefore really keen that we ensure, in all the processes in the Bill, that anyone with an acquired brain injury is regularly and repeatedly reassessed so that they have an opportunity to escape. That is important.

Dr Dan Poulter (Central Suffolk and North Ipswich) (Con): The hon. Gentleman is making some good points. The only point I would make to him is that without a deprivation of liberty order—I agree that they should be open to review, and I am sure the Minister will go on to talk about how that can happen—some of the people he talks about may have to be put under the Mental Health Act 2007 due to the fluctuating nature of their capacity. That would be much more restrictive and could lead to them being sent to entirely the wrong places to be cared for. I would just give that caveat and that warning to him about the potential consequences of what he is saying.

Chris Bryant: I think the hon. Gentleman has just read, in some weird way, what I was about to say—he has a very special mental capacity of his own if he is able to read my notes from that distance. He is absolutely right, however, and I do not want to drive a coach and horses through the Bill at all. I fully accept that there is a requirement for some elements of it.

I have an anxiety about the pace at which the Bill is going. It is a shame that the code is not yet available, because it would significantly affect how we viewed some of the issues that we are talking about today. All the things in my amendments should probably be in the code, rather than on the face of the Bill—that is what the Minister said to me yesterday, and I should have given her a much harder time, by the way—but why do we not have the code now? We are not going to have it before the Bill receives its Third Reading, and I think that is a mistake. It is not as though we have lots of wonderful business to be getting through.

Janet Daby (Lewisham East) (Lab): A young person in my constituency has contacted me—she has a disability and works for a disabled people’s organisation called Inclusion London—to raise concerns about the speed at which the Bill is going through Parliament. There is a sense of it being rushed through without adequate consultation, which it needs, and with little regard for the people who are likely to be affected by it. Does my hon. Friend agree?

Chris Bryant: Yes, I do have that anxiety. I want to be a bit critical of the Government on that, because this is a two-year Session of Parliament and there is no reason why this could not have been done in a proper way. I am slightly conscious that there is not a great deal of time left today, however, so I am keen to bring my remarks to a close.

Steve McCabe (Birmingham, Selly Oak) (Lab): Before my hon. Friend concludes, since the code is going to be so central to the operation of the Bill, and since none of us will have seen it before the Bill concludes its proceedings, does he think that it is vital for the Minister to say today that there will be proper and extensive consultation on the code before it is implemented?

Chris Bryant: Yes. The Government have effectively already said that, but to be really nasty, we should have had the code before today, in all honesty, even if it was only in draft form, so that we would be able to see what we are really talking about, and I would then not have been talking about these amendments.

I want to bring my remarks to a close as soon as I can. We need to build in an incentive to make sure that there is proper neurorehabilitation provision for people with acquired brain injuries. All too often, patients and carers in this field feel as though they are being processed. That is not because health clinicians are nastily minded, but because people sometimes end up having to deal with so many different departments that they feel as though they are being pushed from pillar to post. That is why it is really important that the Government strike the right note when it comes to the next stage of introducing the code.

Amendment 1 simply says that

“the Secretary of State must lay before Parliament a report on”

the “likely effects” of the Bill on ABI before it comes into effect. Amendment 2 requires the “relevant person”, who could be somebody managing a care home, to consider

“the effects of any treatment undergone by the cared-for person, including prescription brain injury rehabilitation therapy”

in addition to the length of time since the assessment was originally made. Amendment 3 would mean that an authorisation that was not renewed would lapse after 12 months, after a time specified in the original authorisation, or, as I would like it to be,

“at the end of a period of prescription brain injury rehabilitation therapy”.

I think that is key to making sure that there is an incentive to ensure that therapy is provided. Amendment 4 refers to the renewal of an authorisation and requires the responsible body to take into account

“any treatment to be undergone by the cared-for person, including prescription brain injury rehabilitation therapy”.

I do not think that any of those amendments would do the Bill any harm—no harm at all—and I am feeling a bit more grumpy with the Minister than I was yesterday when I met her, so who knows? We might end up voting on them.

The Parliamentary Under-Secretary of State for Health and Social Care (Steve Brine): It is good to see the hon. Gentleman on his feet, but I hate to see him grumpy. He will have my response to his all-party group next week. I promised him a recommendation by recommendation response to his report, the launch of which I attended, and he will have it next week.

Chris Bryant: I am very happy with this Minister, but the other Minister—

Steve Brine: She’s nicer than me.

Chris Bryant: That is true, but she has to prove her mettle on this. I do not mean that in a nasty way; I simply mean that we want some changes.

Several hon. Members rose—

Mr Deputy Speaker (Sir Lindsay Hoyle): A lot of people want to speak, but we have to finish at 6 o’clock, so we only have 90 minutes.

4.30 pm

The Minister for Care (Caroline Dinenage): I am here today to prove my mettle.

I will start by stating the obvious: our liberty is our most fundamental human right. The challenge today is that the current system of deprivation of liberty safeguards no longer provides protection to all the vulnerable people entitled to it. The system has proved to be overly bureaucratic and inefficient to apply, and case law has resulted in article 5 of the European convention on human rights being understood in a very different way, and this has, in effect, widened the definition of deprivation of liberty eighteenfold. The result is a long backlog of applications that has built up over time such that today about 125,000 people may be subject to a deprivation of liberty without formal authorisation.

The Bill introduces a new system—the liberty protection safeguard—based on work of the Law Commission that involved more than three years of consultation and consideration. It is designed to provide robust protections and to be simpler so that protections may be afforded quickly and effectively to those who need them. It is absolutely right that any proposed changes to the protection

[*Caroline Dinenage*]

of some of the most vulnerable people in our society be scrutinised closely, however, and I am grateful for the close examination of the Bill by hon. Members and noble Lords during the Bill's passage here and in the other place.

I thank the hon. Member for Rhondda (Chris Bryant) for raising the issue of how liberty protection safeguards will work for people who have a brain injury or may need to be deprived of their liberty while receiving care or treatment. I also thank him for his chairmanship of the all-party group on acquired brain injury. He does an outstanding job and is a great advocate for the group.

A leading charity in this area, Headway, reports that every 90 seconds someone is admitted to a UK hospital with an acquired brain injury or related diagnosis, such as trauma, stroke, tumour and neurological illness, and many of these will require some form of rehabilitation. For some people, this can be a lifelong need. Having met the hon. Gentleman yesterday to discuss his concerns, I understand that neurorehabilitation can in some cases help people to regain capacity over time and that his amendments are intended to account for this and to ensure that a deprivation of liberty occurs only when strictly necessary.

I would like to provide some reassurance that the first principle of the Bill is that a deprivation of liberty should occur only where it is considered essential and where authorisation conditions are met. I can assure the hon. Gentleman that we have considered carefully how this model will work for this group of people and are confident that the reformed model will embed consideration of deprivation of liberty into the earliest stages of care and treatment planning so that from the outset these arrangements will work alongside neurorehabilitation therapy and adhere to the less-restrictive principle of the Mental Capacity Act 2005.

Norman Lamb (North Norfolk) (LD): I understand the Minister's concern not to impinge on the rights of disabled and elderly people, but is she not concerned that more than 100 social care and disability organisations have written to her raising continuing concerns, including about the Bill adversely affecting the rights of people who rely on care and support services. Does she think they are wrong, or does she think they have legitimate concerns that still need to be properly addressed?

Caroline Dinenage: Of course, any organisation representing these vulnerable people that raises concerns deserves to have them listened to, and I am sure that the vast majority are legitimate concerns, which is why we have been listening so carefully up until this point. The right hon. Gentleman will know how many amendments we have made in the other place, in Committee and today.

We will continue to listen and collaborate as we deal with the code of practice, about which I shall say more in a moment. A working group of third-sector organisations is helping us to put the document together so that it is not rushed. It is not being prepared for the purposes of Parliament, but it will come before Parliament. Following a wide public consultation, both Houses will vote on it. That collaboration has been and will continue to be important: it is not the end of the conversation, but very much part of it.

Catherine West (Hornsey and Wood Green) (Lab): May I pursue the intervention from the right hon. Member for North Norfolk (Norman Lamb)? Is the Minister satisfied that the definition of the deprivation of liberty will not lead to litigation in the courts? Some constituents have written to me saying that the proposed changes could open a legal can of worms. Can the Minister reassure me that this will not end in expensive litigation, either for constituents or for the Government?

Caroline Dinenage: I do not think it is ever possible to say that. This particular area of law has always been open to legal challenge. We decided to include a definition because so many stakeholders, as well as the Law Commission and Members of the other place, thought it essential, but the wording is very specific.¹ It refers to what does not constitute a deprivation of liberty rather than what does, because we did not want to leave out accidentally something that could open up a legal challenge further down the line. This is where the code of practice comes into its own. It will include case studies and examples, so that those affected by the Mental Capacity Act will have a better understanding of how it works for them.

Barbara Keeley (Worsley and Eccles South) (Lab): The Minister has just mentioned case studies, and she has mentioned them before. She has circulated case studies to a few people, but they were not circulated to me or to any other members of the Committee, which I think was very discourteous. We keep hearing about things that are in the distance—over there—and will come together at some point, but those case studies have not been circulated, and they should have been.

Caroline Dinenage: I think that there must be some confusion. The case studies will be part of the code of practice. They will be gathered together in the document, and third-sector organisations will contribute to ensure that we cover every cohort. We must bear in mind that we are trying to cater for wildly different groups of people. The document will have to cover the young person with an acquired brain injury to whom the hon. Member for Rhondda referred, a 16-year-old who has had a learning disability since birth and the 97-year-old with dementia. It must not be the box-ticking one-size-fits-all exercise for which the current legislation provides.

We are aware that mental capacity assessments may be of particular concern to the group of people mentioned by the hon. Member for Rhondda. Assessing the capacity of people with acquired brain injuries can be particularly challenging, and will require skilled and careful consideration. Government amendments 28 to 37, which I shall discuss later, outline our intention to publish regulations in order to ensure that the assessors have the appropriate knowledge and experience.

We agree that the likelihood of capacity to fluctuate should be ascertained during the assessments, and we will expect that to be considered in the authorisation, in the length of authorisation and in the frequency of reviews. Fluctuating capacity is complex and fact-specific and deserves in-depth and detailed guidance, which is why we will include the details in the code of practice. I appreciate what the Opposition amendments are trying to do and I fully agree with their spirit, but I hope that my commitment to work with others on the code has

1. [Official Report, 13 February 2019, Vol. 654, c. 7MC.]

given the hon. Gentleman and other members of the all-party parliamentary group the reassurance that they need.

Through the scrutiny of the Public Bill Committee and the ongoing engagement with stakeholders, we have identified a number of areas in which the Bill could be strengthened further. As I have said before, I firmly intend to introduce a more effective, efficient system of robust safeguards, moving away from the one-size-fits-all approach that no longer works. I am committed to doing this in a very collaborative way, and where possible to identify legislative improvements that can be made to work. I am committed to looking at this again, and as a result a number of Government amendments have been tabled that improve the Bill and the way in which liberty protection safeguards work.

Amendment 5 aligns the definition of a care home manager in Wales with that in England. The Bill as currently drafted defines care home managers in Wales as a registered manager. This amendment changes that so that it is linked to the registered service provider. Amendments 7 to 23 will remove any perceived conflict of interest where a deprivation of liberty occurs in an independent hospital. Under amendment 14 the responsible body in cases where arrangements are mainly carried out in an independent hospital would be the local authority in England and in Wales the local health board for the area in which the hospital is situated. This removes any potential misuse of power or conflict of interest in independent hospital settings. Amendment 22 outlines that in England the responsible body is the local authority responsible for the education, health and care plan or the care plan under the Care Act 2014. If a person does not have one of these, the responsible body is that in the area where the hospital is situated.

John Redwood (Wokingham) (Con): What provision does the Minister think should be made in the code for the families? Often the adult children or the parents know these people extremely well and have very caring approaches, and they may have wisdom to inform the decision, but there might be the odd occasion when the family member has their own agenda and not that of the vulnerable person. So what should the role of the family be?

Caroline Dinenage: The role of the family is much greater in this amended legislation than it is currently. A number of families have told us through our work on this Bill that they feel very disenfranchised by the current system. For example, in the new system a family member or a loved one can be an approved person.¹ That would be the person's advocate through the process. That method brings family members and loved ones much closer into the decision-making around this whole system.

Jim Shannon (Strangford) (DUP): I received some correspondence from Age Concern, as the Minister knows. It wanted to raise two specific issues; I spoke to the Minister about this, but I want to raise it again to have it recorded in *Hansard*. The issues are the definition of the deprivation of liberty, which I understand the Government are including in the Bill, and access to advocacy. I reiterate, too, the point made by the right hon. Member for Wokingham (John Redwood): the importance of having family and loved ones as part of

the process. We must not disenfranchise them; if we do that, we are doing this wrong. So will the Minister confirm that those things are in place?

Caroline Dinenage: Yes, that definition is included in the Bill, and it is also expected that people will have an advocate. That is an approved person; it can be a family member or loved one or it can be an independent mental capacity advocate, or indeed both if the family do not feel they are fully equipped to be able to support their loved one.

Jim Shannon: So the wishes and feelings of the loved ones and their families are at the heart of the Bill?

Caroline Dinenage: The wishes and feelings of the vulnerable person are at the centre of the Bill, and the wishes and feelings of their family will definitely be taken into consideration if their family is the approved person. We must always leave a little space in case the person does not want their approved person to be a family member for whatever reason.¹ The wishes and feelings of the individual must be at the heart of this, and that was at the heart of the original Mental Capacity Act 2005.

Mrs Moon: Does the Minister agree that one of the most essential things everyone should do while they are well is make sure they take out an enduring power of attorney that names the person they want to oversee their health and wellbeing should they be in a situation such as this? Also, many families are intimidated into making bad decisions out of fear that the care home might say, "If you don't do as we say, or if you complain, move your parent." Giving power into the hands of care home managers is a very dangerous situation.

Caroline Dinenage: As a Justice Minister, I was responsible for lasting powers of attorney and we spent a lot of time trying to convince people to make those sorts of decisions for themselves as early as possible.

Several hon. Members *rose*—

Caroline Dinenage: I am going to make little progress now because I have a lot more to say and I know that other Members want to speak as well.

4.45 pm

In Committee, hon. Members raised concerns about the fact that independent hospitals are responsible bodies and that this could represent a conflict of interest. The Government amendments ensure that an independent hospital is never the responsible body. We will ensure independent oversight in every case. I hope that hon. Members will support the amendments.

Amendments 24 to 27 relate to the provision of information. It is vital that those who are deprived of their liberty are provided with the information necessary for them to be able to exercise their rights. There is a duty to provide information in article 5 of the European convention on human rights, but the noble Lords flagged that the Bill should be explicit about this duty. The Government have tabled the amendment as we agree that information should be shared as soon as it is appropriate to do so. Amendment 24 introduces a general duty to publish accessible information for everyone

1. [Official Report, 13 February 2019, Vol. 654, c. 7MC.]

1. [Official Report, 13 February 2019, Vol. 654, c. 8MC.]

about the authorisation process. It goes on to require the responsible body, when arrangements are proposed, to take all practicable steps to ensure that the cared-for person and any appropriate person providing representation understand the information. This is very important. This will ensure that people are all aware of their rights and of the options to challenge the authorisation. Amendments 25 and 26 in effect require the responsible body to remind the cared-for person and any appropriate person of this information after the authorisation is granted.

Amendments 28 to 37 all refer to the requirements of assessors under the Bill. These amendments will ensure that the person who completes the assessments and determinations required for a liberty protection safeguards authorisation has the appropriate experience and knowledge to complete those assessments and determinations. They give the Government the power to determine who can complete medical and capacity assessments and who can determine whether the authorisation conditions are being met. These amendments ensure that the decisions about whether the authorisation conditions are met are made by those with the necessary skills, and will be based on assessments carried out by suitably qualified individuals.

Paula Sherriff (Dewsbury) (Lab): What assurances can the Minister give that the regulations will be genuinely co-created with practitioners and cared-for people? If they are not, how can we be sure that the amendments are not a way of clandestinely watering down the protections of the Bill?

Caroline Dinenage: The Bill is very clear about the skills and qualifications necessary for those carrying out the assessments, but the code of practice that goes alongside the Bill will be carried out in partnership. We already have a working group made up of third sector organisations that are working to ensure that the statutory document that goes alongside the Bill is as robust as we can make it.

Melanie Onn (Great Grimsby) (Lab): I would like to thank the Minister for meeting me earlier to discuss the Bill. She was very generous with her time. On the question of the code, does she envisage that there will be training on the code for these professionals? If so, how long does she think the training will take, and when will it be properly in force for local authorities to utilise?

Caroline Dinenage: Yes, we envisage that there will be training and we will be working with partners such as Skills for Care to look at the best ways of implementing that sort of support.

Catherine West: Could the Minister outline the role of care staff in preparing the documentation and making ready for the assessments, as opposed to the role of the responsible body—the local authority—that will make the assessment?

Caroline Dinenage: I am actually coming to that very section of the Bill now.

We are proposing that a review of an authorisation will be completed by an approved mental capacity professional when an objection is raised by someone with an interest in the cared-for person's welfare. It is

vital that objections can be raised not just by the person themselves but by others who have an interest in their welfare. This could be a member of the care staff, a close friend or a family member. The Government amended the Bill to clarify that objections can be raised at a pre-authorisation stage, and these new amendments clarify that objections can be raised at any time throughout the authorisation and can lead to a review of the ongoing need for deprivation of liberty.

Amendments 39, 40 and 42 relate to authorisations that need to vary in order to prevent them from ceasing because small variations need to be made. Under the current deprivation of liberty safeguards system, an authorisation is tied to one specific location. This creates a situation in which a person has multiple authorisations if they need to move between settings. If a person is in a care home and has a planned stay in hospital, for example, a new application has to start from scratch. The Law Commission recommended that authorisations should be able to cover more than one setting to remove that duplication. There is an exception if someone needs to go into hospital in an emergency, when variations can be made without a review taking place first, but one should be held as soon as possible afterwards. In some cases, the responsible body will change even though the person still resides in the same location. For example, a care home resident may become eligible for NHS continuing healthcare, but their location and care will not change.

Opposition amendment 49 seeks to require the responsible body to carry out the consultation required by the Bill in every case, removing the ability of the care home manager to complete the consultation. We are clear that it is not appropriate for certain functions to be conducted by the care home manager, which relates to what the hon. Member for Hornsey and Wood Green (Catherine West) was saying. The Bill explicitly prevents anyone with a prescribed connection to a care home, which will be set out in regulations and will include care home managers and staff, from completing the assessments required for an authorisation and the pre-authorisation review. We are clear that decision making lies with the responsible body, not the care home manager.

Consultation is another matter. We expect, as part of good care, that care providers are consulting with the people in their care, and with those with an interest in that person's welfare, to establish their needs, wishes and feelings. That applies regardless of whether someone is subject to a liberty protection safeguard and should happen on an ongoing basis. Having care home managers complete the consultation required by the Bill is simply building upon current good practice. The Bill has clear safeguards for that purpose. Objections do not need to be raised through the care home manager. They can be raised directly to the responsible body by the person or by someone interested in their welfare. If there are concerns about the care home manager's ability to complete the consultation required under the Bill, the responsible body can decide to take on the care home function and complete the consultation itself.

Liz Twist: Many hon. Members will have had a large amount of correspondence from constituents on this matter. Does the Minister accept that there is huge concern about the operation of the provisions and about the role of care home managers more generally? The amendments seek to address that concern, but that feeling remains.

Caroline Dinéage: I accept that there were a number of concerns, but we made changes to say that care home managers would not in any way be responsible for authorisation or for pre-authorisation reviews.

Several hon. Members *rose*—

Caroline Dinéage: I am afraid that I will not take any more interventions because Mr Deputy Speaker might fall out with me entirely. In short, care home managers will be responsible for consultation, which is already part of good care.

Amendment 50 would require an approved mental capacity professional to complete the pre-authorisation review, where care home arrangements are being authorised and where the care home manager provides a statement to the responsible body. The Law Commission recommended the creation of the AMCP role and also recommended that their use should be focused on those cases where their input is needed. The commission recommended that AMCPs should consider cases where an objection is raised and the Bill does that. The Bill also allows other relevant cases to be referred to an AMCP. We expect, for example, cases where there are complex circumstances, or particularly restrictive practices are proposed, to be referred by the responsible body to an AMCP. We have also specified that an AMCP must carry out the pre-authorisation review in independent hospital cases. However, we agree with the Law Commission that not every case should be considered by an AMCP. By having a targeted system, with a greater focus on more complex cases, we can ensure that people receive the protection to which they are entitled.

Turning to amendment 51, I thank hon. Members for raising advocacy, about which we spoke at length in Committee. Advocacy is of the utmost importance for ensuring that the voice of the person is heard. That is why this Bill creates a presumption of advocacy for everyone who is subject to arrangements under liberty protection safeguards. During our engagement with stakeholders, many people and their families told us that the DoLS system was something that was done to them without family involvement. That is why this Bill introduces the appropriate person role described by the Law Commission. Family members and those close to the person will be able to be an appropriate person and provide representation and support. We recognise that that role can be challenging, which is why it will be conducted only by those who are willing to do it. Otherwise, people will be able to request an independent mental capacity advocate to support them in providing that important representation.

Like Opposition Members, we want to ensure that people receive advocacy, but we recognise that we should not impose it on people, nor should it become a formality without real effect. Our Bill already delivers on amendment 51.

Norman Lamb: Will the Minister give way?

Caroline Dinéage: I am afraid that I cannot take any more interventions at this stage.

Our Bill allows the person themselves to request an IMCA from the responsible body if they have the capacity to do so, and it explicitly states that an appropriate person can request an IMCA or that the responsible

body should appoint an IMCA if it believes that the appropriate person having the support of an IMCA would be in the cared-for person's best interest.

I agree that the appropriate person has a challenging role with vital duties to ensure that the person exercises their rights, and we want to work with others in the sector to establish how best to support them in this role. There is existing provision in the Bill to address the concerns raised by amendment 51. In some areas, the amendment adds uncertainty and over-complication.

This Bill is about protecting vulnerable people and replacing a one-size-fits-all system.

Dr Sarah Wollaston (Totnes) (Con): I thank my hon. Friend for giving way and for listening to many of the concerns that have been expressed about the Bill, as shown in the Government amendments. How are we going to deal with the extraordinary backlog of cases, which has left over 125,000 people without protection? The safeguards she has set out will stop this being a rushed process, but will she say something about the backlog?

Caroline Dinéage: The backlog of 125,000 people without the safeguards they need, with their families lacking reassurance and with the people who care for them lacking legal protection, is an enormous concern. That is why, during the long period in which we will set out the code of practice, we will be supporting local authorities to go through those backlogs. From day one, when the system is implemented, any new applications and those still in the backlog will be processed using the new system.

With grateful thanks for your patience, Mr Deputy Speaker, I will now sit down. This new system puts individuals at its very heart, and it removes the one-size-fits-all, box-ticking exercise we have unfortunately come to live with under the current system.

Several hon. Members *rose*—

Mr Deputy Speaker (Sir Lindsay Hoyle): The opening two speeches have taken 55 minutes, and we have to finish at 6 pm. I recognise that a lot of other people want to speak, and I certainly do not want to put pressure on the Opposition spokesperson, who also wants to make a speech. When other people come in, please remember that we want to get through everybody.

Barbara Keeley: We should not be in this position of having less than two hours on Report. This Bill has been rushed. We were in the same position on Second Reading, and it is absolutely unacceptable for such an important Bill to be rushed through as it has been today. I spoke to the Minister about this yesterday. She could have chosen to bring the Bill back on a different day, and I am sorry that she has not.

I am every bit as concerned about this Bill as I was on Second Reading. It remains deeply flawed. It weakens the current safeguards for people who lack capacity, and we have not even had a clear answer to the question that the hon. Member for Totnes (Dr Wollaston) just asked about the current backlog of DoLS applications. It is not clear how that will be cleared.

The Minister said at the start of Committee that she would work constructively with other parties on this Bill, but that has not been reflected in our experience.

[Barbara Keeley]

She has dismissed many of the serious concerns raised both by Opposition Members and by the many charities and representative groups outside the House with an interest in the Bill.

I said in Committee that our amendments were the bare minimum required to ensure that the Bill is fit for purpose. The Government rejected all our amendments in Committee, and, despite some movement on one or two issues since, the Bill retains the majority of the significant flaws it contained on Second Reading. It is sad that, having been through all the stages, this is where we are.

We have tabled further amendments to address some of the glaring holes that remain in the Bill, and I thank all the stakeholders who have helped us, including the Alzheimer's Society, VoiceAbility, Mencap and Lucy Series. Without these amendments, we simply do not believe that the Bill is fit for purpose, and we oppose it progressing further.

Janet Daby: Does my hon. Friend agree that the Bill should be paused until the draft code of practice is ready?

5 pm

Barbara Keeley: I very much agree with that. We have heard about a code of practice and regulations, but we cannot see any of these things. With this Bill, we should have had the promised detail on the code of practice. We should not be passing the Bill without it.

First, I wish to talk about amendment 50, which addresses the role proposed in the Bill for care home managers. A number of Members have raised that issue, and we fundamentally disagree with that role, in the same way that we disagreed with the role in the liberty protection safeguards system being given to independent hospitals, which the Government are now amending. There is no logic in the Government removing one conflict of interest from the Bill and not the other.

When this Bill was introduced in the House of Lords, it placed almost all power and responsibility for the LPS in the hands of care home managers. It would have allowed them to be judge and jury, deciding when to deprive people of their liberty. I accept that the Bill has been marginally improved from the original position. The Government were forced to make concessions in the House of Lords, but what they have done so far is the bare minimum. The Bill still hands far too much power to care home managers. Stakeholders across the sector, including care home managers themselves, are very concerned about this. Care England, the representative body for care homes, has said:

“As providers we are very concerned about the inherent conflict of interest associated with placing Liberty Protection Safeguards assessment responsibilities on care home managers “

I also want to quote something that was written in evidence to the Public Bill Committee. A submission made by the Albert House nursing home stated:

“Managers in Care Homes are already stretched and heaping further responsibility on them could lead to more people giving up and looking for easier work.”

It seems clear that even care home managers do not want this responsibility to be given to them. I cannot understand why the Government are insisting on doing so, unless of course the reason is just cost saving.

Under the Government's proposals in the Bill, local councils will be able to delegate the assessment and consultation process to the care home manager whenever they see fit. That risks creating a postcode lottery, where some local councils with adequate resources carry out LPS assessments themselves, while others will have to reduce their role to simply rubber-stamping the applications they get from care home managers. That cannot be right.

We have to be clear in this Chamber that one issue facing the current system is that some local councils are not able to properly resource their DoLS teams following years of cuts to their funding. This Bill would allow cash-strapped local councils to outsource the process entirely, with serious consequences for cared-for people. If care home managers organise the authorisation process, they decide who carries out medical assessments, and who determines whether the arrangements are necessary and proportionate. I have heard colleagues expressing concern that the statement provided by the care home manager forms the basis of authorisation. We know that many local councils do not currently have the resources to fund their DoLS teams properly now. Conservative Members have talked about the backlog and concerns about that, but in recent weeks we have seen a further £1.3 billion taken out of grant funding to local councils. The Minister has given us no reassurance that the Government will provide any new funding for the proposed system.

Steve McCabe: While my hon. Friend is on the subject of care home managers, may I ask whether she agrees that if they are responsible for the consultation, which is supposed to be one of the safeguards protecting a person's liberty, the person cannot possibly be at the heart or centre of the Bill? Such a provision drives a coach and horse through the notion that their liberty is being protected.

Barbara Keeley: I absolutely agree with that. Local councils face a serious resource issue, and we see a pressing of this role away to care home managers. I have got some examples with me, but I do not know whether I will have time to go through them. However, we can see that there will be a strong temptation in local councils simply to presume that the care home manager is right. We have to recognise that over-stretched professionals in local councils will sometimes simply accept the word of care staff without fully investigating the case.

In the Public Bill Committee, I talked about the recent case of *Y v. Barking and Dagenham*. This was the case of a young man who was placed in an inappropriate care home. Initially his parents were satisfied with his placement, but over time the quality of his care deteriorated. We hear a lot and have great concerns about restraint. That young man was restrained in that care home 199 times in two years and suffered significant harm. Y eventually got out of that placement, following a court-appointed guardian visiting and raising concerns, but it took the intervention of somebody outside the care home—that is the key thing.

Caroline Dinenage: The hon. Lady is making a powerful case and she talked about many such cases in Committee. Does she agree that this shows exactly why the DoLS system needs overhauling? It is not offering the required protections for vulnerable people, which is why this Bill is so urgent.

Barbara Keeley: I could not disagree with the Minister more, because what she is doing is putting people into the lion's den. I do not know whether she is listening to me, but I am reading her a case where the difficulties arose because the local authority listened to care staff and did not listen to the parents' objections at all. That is the difficulty. Under the new LPS system, that young man would not have had any safeguards or protection, because the care home staff would have been the people sorting out his authorisation.

Caroline Dineneage: Under the new system, family members and parents will be listened to, because they will be the approved person, the representative and the advocate. Their voices will be heard, which is not happening currently.

Barbara Keeley: It is not helpful if the Minister and I argue about this. We have had this argument enough times in Committee. She just needs to see that there is a level of concern. I am quoting a case where significant harm was done to a young person in a care home because the parents were not listened to and the care staff were.

Dr Poulter: I can understand where the hon. Lady's concerns come from, but having had detailed discussions with my hon. Friend the Minister, I am reassured, perhaps more than the hon. Lady, by the systems and some of the amendments that have been put in place to take into consideration concerns about conflicting provider interest. She makes a good point on the lack of funds and resources and cash-strapped local authorities. Without the money to support local authorities, there is a real risk that scrutiny of care homes and the processes in place under the legislation will be sadly lacking, to the detriment of people under deprivation of liberty orders. What reassurance has she had, if any, during the passage of the Bill that the funding crisis affecting social care and local authorities is being addressed by the Government, both in respect of this legislation and otherwise?

Barbara Keeley: I thank the hon. Gentleman for that question. We have had no reassurances whatever. In fact, since the Committee finished, £1.3 billion has been taken out of central Government funding to local councils. Whatever our position was when we were in Committee, things are now much, much worse.

The Minister does not agree, but it is disturbing that we are still in the position on Report of trading the arguments back and forth. We gave lots of examples. There is provision in the Bill for an approved mental capacity professional. With our amendment we want to be sure that we do not have cash-strapped local councils delegating responsibility. There is talk under some amendments to bring in reviews, but reviewers have to be able and willing to stand up to care home managers, and that is a difficult thing.

As my hon. Friend the Member for Bridgend (Mrs Moon) said earlier, care home managers have a lot of power. They have the power to evict and the power to stop visits. Amendment 49 would work with amendment 50 to address the role that the care home manager could play. It is one of the most concerning provisions in the Bill, and it must be addressed if the new liberty protection safeguards are to be fit for purpose.

I do not in any way want to stigmatise care home managers, but I ask Government Members to accept that we are talking about a situation where at least 20% of care homes require improvement or are rated inadequate. Care home manager vacancies are at 11%. We are not talking about a situation where all care homes have a proper care home manager in place, or where they are all doing as well as they could. If the Minister reads many CQC reports, she will see that care homes often fall down on care planning. CQC inspectors often find that there is not a proper or adequate care plan for the situation.

Catherine West: Is my hon. Friend satisfied that rights of appeal are being managed correctly in the Bill?

Barbara Keeley: No. On the Opposition Benches, we are not satisfied with very much about the Bill, but I am talking about our amendments for care home managers because we feel that safeguards have been weakened. I will give an example, because there are many cases where the powers of care home managers are used to shut down any opposition to what they are doing. A person whose husband was in a care home visited him every day and took a keen interest in his wellbeing. He had lost the ability to speak and had little mobility. She found that he was in pain and when she raised that with staff, they failed to act and dismissed her concerns. She then raised it with the care home manager who warned her that if she continued to take up staff time, she would be banned from visiting her husband who was actually nearing the end of his life. That is an awful thing—that a wife would be banned from visiting her husband near the end of his life. It was only with the help of an outside organisation that the cause of the pain was identified. If relatives, including spouses, were prevented from visiting in the situation that I have just described, how could they be raising a major objection? How could they be challenging the care home manager? The appeals question that my hon. Friend the Member for Hornsey and Wood Green (Catherine West) just raised with me is very concerning.

Under the current provisions of the Bill, care home managers are expected to carry out the consultation process, and yet this is the one opportunity that the cared-for person and their family have to register any objections to the proposed arrangements. The process needs to be carried out independently so that people can feel free to speak their minds. Amendment 49 achieves that. It prevents the local council from delegating the consultation process to the care home manager, and then this crucial step must be carried out by the local council itself.

In Committee, the Minister said she believed that it could be appropriate for a care home manager to carry out that process, because those with an interest in the welfare of the cared-for person can flag up objections, but that would not always work in practice. For that to happen, a family member would have to know that they had the right to do that. They have to know with whom to raise their objection and then raise it in a timely manner. That is pretty key in relation to this business of care homes and to challenging on behalf of the cared-for person. It is not reasonable to expect people to understand the intricacies of the system. Similarly, we cannot expect everyone to have the confidence to negotiate the system for themselves. We here perhaps do not always think

[Barbara Keeley]

how hard it is to challenge those in authority, but it is a very difficult thing to do indeed. We need to offer a cared-for person a chance to object in a setting that they are comfortable with, without fear of reprisals from care home managers.

Government amendment 38 goes against the principles that I set out in relation to our amendment 49. It is unacceptable for the care home manager to be involved in that consultation with the cared-for person and their family, so we are in a situation where the two amendments are directly opposed.

Let me move on to our third amendment, amendment 51, on advocacy, because that addresses the provision of independent advocates for cared-for people. That is a crucial safeguard, which enables people to realise their rights under the Mental Capacity Act 2005. The advocacy system proposed in this Bill is excessively complex. It could see people being denied an advocate when they need one. Our amendment seeks to simplify the system, ensuring that advocacy becomes the default option. Stakeholders have told us that they are concerned about the use of a best interests test to determine whether somebody should receive an advocate.

Clearly, there is a situation in which the Minister thinks that a best interests test is used to avoid overriding the wishes and feelings of the cared-for person. We agree that advocacy should never be forced on somebody, but we must be explicit about this principle of advocacy being available as the default.

Catherine West: My hon. Friend is so generous in taking interventions. Does she agree that there is no consistency in the choice of advocates across the regions?

Barbara Keeley: That may well be the case, but the difficulty here is that we have a complex system when we should have a simple system that clarifies that an independent advocate, an IMCA, should not be appointed if a cared-for person objects to it, but that everyone who wants or needs an advocate can get one. There should be an absolute right to request that an advocate be appointed both for the cared-for person and for any appropriate person who is representing them.

Our amendment would ensure that support is provided where an appropriate person is not able, on their own, to give the cared-for person the support that they need. That is particularly important, and there are many examples. I am sure that the vast majority of responsible bodies would not exploit loopholes, but we feel that there are loopholes in the current situation.

Budget pressures are another concern. There are concerns that advocates may not be allocated because of Government cuts to local council budgets. We feel that it is important that the wording from the existing Mental Capacity Act is retained. Let me give an example. The concern was put succinctly in evidence submitted to the Public Bill Committee by the Doughty Street Chambers Court of Protection team, who said:

“The requirement to ‘take all reasonable steps’ is a weakening of the current requirement that the supervisory body must appoint an IMCA...It is therefore possible that a ‘cared for person’ may qualify for an IMCA but that due to resource issues the reasonable steps taken do not result in such an appointment, and this safeguard may not be available.”

From everything the Minister has said, I know that she agrees about the importance of advocacy, and we have heard a lot of case studies, one of which I will briefly mention. My hon. Friend the Member for Slough (Mr Dhesi) described a case that has stuck with me since. An advocate was visiting a man in a care home who was clear that he wanted to leave and move back to his own home. When the advocate looked into the matter further, they discovered that the man's home had been put up for sale by the local council to fund his care. He had no idea that that was happening and was extremely upset. With the help of an advocate, he was able to challenge the local council's decision and prevent his home from being sold. I recall that example from Committee, and it is a powerful one that demonstrates just how important an advocate can be. Without one, this man's home would have been sold without his knowledge, and he would then have been forced to remain in a care home that he wanted to leave. There are countless examples of how important an advocate can be.

5.15 pm

It is a fundamental safeguard that all people under LPS should be able to access an advocate. We cannot leave any loopholes in the provision of adequacy—it must be the default—and everyone who wants and needs an advocate should be guaranteed access to one.

Let me touch briefly on Government amendments 13 and 14, which address what happens when a person is held in an independent hospital. We called on the Government to change these provisions in Committee, and Government amendments 13 and 14 address our concerns. The amendments are needed because, under the current provisions of the Bill, it would have been up to the manager of an independent hospital to authorise the arrangements for deprivation of liberty. That was wrong. From everything we hear reported and from investigations, we know that many families are excluded from decisions in independent hospitals, and these amendments will change that. However, I come back to the question of why the Government have been prepared to remove the conflict of interest for independent hospitals and not for private care homes. We have talked about resourcing with regard to local councils, and this change will actually have an impact on the funding and resources of local councils.

There are still some issues around Government amendment 24, but I do not really have time to discuss them because other Members wish to speak. The amendment has been tabled only because the Government removed in Committee the strong right to information that existed in the Bill when it was sent to us from the House of Lords. Following the undoing of that House of Lords provision, there are ways in which amendment 24 is not satisfactory. The wording is far too broad, and there are concerns that information rights have loopholes that could be used by those who should be giving information to the cared-for person and the people representing them. We should not be having to worry about that at this late stage of the Bill.

I support amendments 1 to 4, tabled by my hon. Friend the Member for Rhondda (Chris Bryant), as they raise an important issue and would ensure that the impact of treatment for an acquired brain injury was considered throughout the LPS system. Those are vital safeguards

for the large number of people that my hon. Friend talked about, and I hope that the Government will give them the consideration they deserve.

I thank my hon. Friend the Member for Stockton North (Alex Cunningham) for tabling amendment 48. Resolving the issues that he has raised is not simple, and I hope that he gets the time to discuss his amendment. I hope that the Minister will confirm today that nobody will be forced to pay the costs of an assessment because they need a liberty protection safeguard, and that she will accept that amendment.

Let me touch briefly on the definition of deprivation of liberty in the Bill. I want to register the complaint that I have already made to the Minister, which is that case studies have been circulated to Members of the House of Lords but not to the Committee while the Bill was going through the House. That is not acceptable. I have not even had answers to the concerns about the case studies that I raised in Committee. The rush to get the Bill through, which we are seeing all the way along, has caused that problem.

I have also raised additional concerns expressed by the Care Quality Commission, which wrote to me detailing a number of concerns about its role in monitoring the liberty protection safeguards. I have raised those concerns with the Minister, but I want finally to return to one aspect of them. The Minister said that

“the Liberty Protection Safeguards provide a range of safeguards including review and oversight by the responsible body, access to independent representation and support and, where required, the statutory safeguarding system.”

The Bill moves us into a situation where the LPS can be used when a cared-for person is in a private home. That is a problem, because the CQC does not regulate domiciliary caring agencies in the same way that it regulates care homes. The Minister needs to confirm that some people will be subject to the LPS without the CQC monitoring the application of the LPS to them. Oversight should not be partial in that way. If the Bill extends the system to people being cared for at home, then that has to be done properly. The Minister has assured us that the Government and the CQC are working together to address these issues, but I remain concerned that we have so many questions to which we have not been given answers.

There is still much to do to improve this deeply flawed Bill. I hope that the Minister and other hon. Members will take this opportunity today to improve the Bill by passing our amendments so that we can improve the safeguards for vulnerable people.

Fiona Bruce (Congleton) (Con): I rise to support the Bill and, in particular, to speak in favour of Government amendments 24 and 33.

Before I do so, let me respond to some of the points that have already been made. First, with regard to the timescale in which the Bill is being taken forward, there has been plenty of opportunity for colleagues to look at its details. I draw Members' attention to the fact that there have been not just one but two detailed reports on this issue by the Joint Committee on Human Rights, one in June 2018—our seventh report of this Session—and then, in October 2018, our 12th report, in which we considered the draft Bill in some considerable detail. At that point, we welcomed the recommendations of the Law Commission. Of course, the Law Commission

had itself been some three years in preparing its recommendations, so the Bill can hardly be described as rushed.

Steve McCabe: Does the hon. Lady recognise that the Law Commission objects to the fact that its recommendations were not taken up by the Government when they constructed the Bill?

Fiona Bruce: I was about to say that the Joint Committee welcomed the Law Commission's recommendations because they clearly highlighted the need for changes to be made.

As we pointed out in our seventh report, as far back as last June, the Cheshire West case that the Minister mentioned had resulted in a 10-fold increase in the number of DoLS applications. That is why there has been such a backlog. That case placed extreme pressure on local authority resources. Some 70% of the almost 220,000 applications for DoLS authorisations in the year up to our report were not authorised within the statutory timeframe. Consequently, many incapacitated people continued to be deprived of their liberty unlawfully. Those responsible for their care, or for obtaining authorisations, were having to work out how best to break the law. That is completely unacceptable, and it is why this Bill needs to be brought forward in a timely way.

There also needs to be, as the Committee recommended in our 12th report, a definition in the Bill. I hear colleagues' reservations about that definition, but, as we said—I am glad that the Government took up our recommendation—that it is important to give cared-for people and their families, and professionals, greater certainty about the parameters of any scheme so that we can ensure that scrutiny and necessary resources are directed where needed. We said:

“It is undeniable that any definition in statute may be refined by future case law”.

That remains that case. None the less, not to have endeavoured to provide a definition would, we believe, have been wrong.

Having made those preliminary comments, I will speak in more detail about amendment 24 and expand on the remarks made about the importance of family engagement and keeping the family informed. Information for the family and those who care deeply about the welfare of the person is the cared-for person's greatest safeguard against exploitation and bad care. It is paramount that families have a role to play in their relatives' care planning, wherever that is desired by the cared-for person, not least by giving them the option to stay fully informed and to object to proposed plans if they are not satisfied.

Families can play an important role in monitoring care if they are given sufficient information. The care itself is important. The quality of care will vary between and within care homes, but monitoring the care plan is essential to ensure that the cared-for person's dignity is maintained. The cared-for person's quality of life depends on how they are treated day in, day out and whether they receive care in a way that enhances their personal dignity or whether, sadly, they are treated less well.

Families are well equipped to monitor care, but only if they are kept informed. That is why I support amendment 24, which improves access to information for the cared-for

[Fiona Bruce]

person and their appropriate carers and supporters, which may well include their family. The requirement for information to be

“accessible to, and appropriate to the needs of, cared-for persons and appropriate persons”,

means that the cared-for person is placed at the heart of the liberty protection safeguards authorisation process. Not only that, but now that relatives can be informed about their loved one’s care plan, they will notice if the plan states something that is not happening and question why.

I am pleased to see that the amendment requires the publication of information on the cared-for person’s rights and the circumstances in which it might be appropriate to request a review or make an application to the court. People must know what their rights are and the legal procedures. This will not be costly. It will certainly be far less costly than the court cases that are likely to come if the requirement to provide information about all aspects of the process and the plan are not on the face of the Bill. It will save costs in the long term and ensure that the approved mental capacity professionals act always as they should.

The code of practice will play an important role. It would be helpful to see examples of family members working with the responsible bodies and the care teams to ensure that care plans are being delivered appropriately and are in the best interests of cared-for individuals. I am sure we all want to see that.

I turn to amendment 33. In the JCHR’s 12th report, we indicated that there has been concern as to

“whether care home managers have the necessary skills and knowledge to arrange or undertake the assessments and whether they are sufficiently independent to do so”

and whether care home managers are

“trained and resourced to take on these additional responsibilities.”

It is heartening to hear that the Government have listened and are clearly stating that care home managers and staff should not, and under these proposals will not, complete assessments. It is equally heartening that the Government, having listened to concerns expressed in Committee, are saying that all those doing such assessments must have the necessary skills, knowledge and qualifications—for example, as physicians, nurses or social workers—and that that will be specified in regulations. I want Ministers to put in place appropriate arrangements to assess whether implementation of this element of the Bill is working well—for example, to ensure that specifications of required qualifications and the experience of assessors are kept updated and that the revised system is working well and without difficulty in practice.

Ministers might consider taking up the recommendation in the JCHR’s 12th report that particular vigilance should be exercised by local authorities where care homes are rated by the CQC through an inspection as inadequate or requiring improvement, to ensure that those who are making referrals are properly competent to do so.

5.30 pm

Norman Lamb: I want to speak primarily in support of the amendments in the name of the shadow Minister, the hon. Member for Worsley and Eccles South

(Barbara Keeley), and others. However, I want to comment right at the start—I realise this is not the decision of the Minister—about the time we have to debate a Bill that deals with fundamental human rights. I just think it is absolutely outrageous, and we should place on the record our total opposition to the way in which, wholly inappropriately, it has been rushed through.

I should also say that I completely understand the need for reform. I said that on Second Reading, and I acknowledge the Minister’s sincerity on that. I recognise that we breach the human rights of the people who are on a long waiting list for anything to happen to them, but that is no justification for getting it wrong at this stage. Surely we must not weaken the protections for very vulnerable people, yet the organisations that have followed this process all the way through are very clear that that is precisely what we will do.

I just think this is extraordinary: the Government have commissioned a review of the Mental Health Act, and although we have not had the formal response yet, I expect that much of what the review calls for will be supported by the Government, yet the review moves in a diametrically opposite direction to this Bill. The review talks about “rebalancing the system” and about

“a real shift in the balance of power between the patient and the professional”.

The review also talks about

“a right to advocacy based on an opt-out approach.”

That is what the amendments in the name of the shadow Minister seek. This will not, as the Minister implied, force advocacy on anyone; this is about having it as the default option. The Law Commission has called for a right to advocacy as an opt-out approach, yet the Government are resisting it. Why are they resisting it? This reduces the rights and protections of vulnerable people, and for that reason it seems to me that it is unacceptable.

On Second Reading, I said that I would not oppose the Bill at that stage, and I said:

“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...flawed system?”

At that time, I asked the Minister to meet all of us, including interest groups, before going into the Committee stage. I said on Second Reading:

“Do not rush headlong into the Committee stage.”—[*Official Report*, 18 December 2018; Vol. 651, c. 744.]

Yet, within a fortnight, we were in Committee, which is exactly what I had urged her not to do.

Then we come to the views of the sector. I mentioned earlier that over 100 organisations, including care providers, disabled people’s organisations and charities, have written to the Minister. They make it clear that reform should not be at the cost of the human rights of people who rely on essential social services. I want to deal, specifically and finally, with the conflict of interest issue. They say in that letter to the Minister that

“serious conflicts of interest will be placed upon care managers who will be in control of key information about assessments and review processes.”

The Law Society—surely we should take its concerns seriously—says of care home managers that

“any task or role they undertake must be completely conflict free”,

and that they should not be arranging or carrying out critical assessments. Care home managers should not be responsible for consultation with the cared-for person. It describes the current process—it is not a past but a current concern about the Bill, as amended—as “deeply flawed”. It says:

“It is not difficult to envisage a vulnerable person being uncomfortable or reluctant to give an honest answer when questioned by the care home manager on their willingness to stay”—

in that care home—

“or their ‘happiness’ in the current placement.”

The Law Society’s concern is also about the capacity of care home managers to undertake this work, given that the whole system is under massive pressure. Bluntly, the quality of care home managers is such—many of them are really good, but some of them are not, frankly, good enough—that we cannot rely on them to undertake this vital work, which goes to the protection of the civil liberties of vulnerable people.

Barbara Keeley: On the training that the Minister has talked about and the hon. Member for Congleton (Fiona Bruce) just referred to, I understand from impact assessments that there is half a day’s training for care home managers and two hours of training for social workers. What does the right hon. Gentleman think of that?

Norman Lamb: That is clearly insufficient when it comes to the vital task of playing a role in the protection of people’s civil liberties and human rights. That is what the Bill envisages.

Sue Bott, the deputy chief executive of Disability Rights UK, says:

“Given the rare unanimity across the health and social care sector and disabled people’s organisations we urge the Government to delay the Bill and look again at its provisions. It is better to have a co-produced piece of legislation that works for everyone than rush through a new law that, in its current form, will seriously undermine the human rights of disabled people.”

I urge the Minister to listen carefully to that—the “rare unanimity” across the sector. When I was responsible for taking the Care Bill through Parliament, we ensured that by the end pretty much everyone was on board, although it was a slow and sometimes frustrating process.

The Minister will be applauded if she now recognises that these concerns about the amended Bill are not past ones but current ones. If we are to get people on board and ensure that everyone agrees that we are properly protecting the human rights of very vulnerable people, the right thing to do now is pause, before the Bill goes back to the House of Lords, to ensure in particular that the provisions on conflict of interest of care home managers and the rights of advocacy are properly addressed. If the Minister can do that, she will go a long way towards bringing people on board. I am sure that that is what she wants.

Kevin Foster (Torbay) (Con): Given the restrictions on time, I will curtail my speech and take out remarks I might have made; I am conscious that colleagues would also like to speak.

I always agree with the passion of the right hon. Member for North Norfolk (Norman Lamb) on these issues, but I do not agree with his conclusions on aspects of the Bill. I am reassured by the Government amendments, particularly in relation to independent

hospitals: such a hospital might have a potential business interest in keeping someone in its service, so it will not at any time judge whether that person needs to be under the deprivation of liberty safeguards.

It is important that we have a modern system; as has been mentioned, the backlog of 125,000 people under the existing system is utterly unacceptable. What standards there are will need to be changed. When I look at the Opposition amendments, particularly amendment 49, I take the Minister’s point that the consultation—actually talking to someone about their views and their care—is part of what we would expect a care provider to be doing. There must be clear, independent safeguards around deprivation of liberty, and the ability to have an independent check. In some cases, it would be better for someone who works with the individual every day to do the consultation, rather than someone literally turning up from the local authority or health board, who may not have had any contact with them. We are talking about people with issues when it comes to interacting and understanding some of the engagement, so I do not see why there should be consultation in all cases. We are talking about consultation, not decision, and I do not see what the issue is with that.

I turn briefly to the amendments moved by the hon. Member for Rhondda (Chris Bryant). The attention he brings to the issue of acquired brain injury is always welcome—particularly in the football world, on the day when an England 1966 hero passed away. The hon. Gentleman mentioned that those from that era often acquired head injuries as a result of heading heavy leather balls, particularly when wet. That is still an issue in football today. I join the hon. Gentleman in saying that the rules should be looked at. If that can be done in rugby without affecting the flow of the game, there is no reason why it cannot be done in football. Similar arguments were advanced in relation to video referees and they are now in place.

I am conscious of the time remaining for others to have their say, so I will just say that I support the Bill and that I do not see the need for the amendments tabled by the Opposition.

Several hon. Members *rose*—

Madam Deputy Speaker (Dame Eleanor Laing): It will be obvious that three people have indicated they wish to take part. I am sure that they will all limit their remarks not to a very small amount, but if they could be limited to six or seven minutes then everyone will get a chance to put their view.

Mr Tanmanjeet Singh Dhesi (Slough) (Lab): It is a pleasure to follow the hon. Member for Torbay (Kevin Foster).

It is my firm belief that the Bill is deeply flawed. Even with the concessions Ministers have made, and the forensic scrutiny and dogged determination of my hon. Friend the Member for Worsley and Eccles South (Barbara Keeley) and her Opposition Front-Bench team, as well as those in the other place, the Bill will do very little to help the crisis in our mental health services. Even at this late stage, I would add my name to those of my many colleagues and a plethora of stakeholder organisations urging Ministers to delay the Bill to allow proper deliberation and discussion. Why do I say that?

[Mr Tanmanjeet Singh Dhesi]

First, we cannot debate the Bill without a clear sense of the issues at stake. We are talking about the state's right to remove liberty from a citizen without trial or the judgment of their peers. That goes to the very heart of habeas corpus and our most fundamental human rights. It concerns the very liberties that this Parliament has stood for centuries to defend. When Parliament has played fast and loose with our right to be free from arbitrary imprisonment, the consequences have brought shame upon us, so we must always think very carefully before passing laws that remove a person's liberty, no matter how compelling we consider the reasons.

Secondly, we must never forget the history of the treatment of people with mental illness in this country. We have a sorry and shameful history of incarcerating people with mental illness, autism, dementia and other conditions. Often the incarceration was unnecessary and cruel, and motivated by malice not medicine. Women in particular could be locked up for so-called "hysteria" when husbands wanted them out of the way. We must tread very carefully.

Thirdly, there is the question of scrutiny of the Bill. We must act only after the deepest of thought and most widespread discussion and consultation. Unfortunately, the Bill has not been subject to the widest consultation and the deepest discussion. The discussion and suggestions that we made in Committee seem to have been largely ignored by the Government. We might have expected Ministers to have learned the lessons from the Health and Social Care Act 2012, which was imposed without consultation and then had to be delayed after its flaws were exposed. It then cost us hundreds of millions of pounds for an unnecessary raft of reckless reforms.

The Bill has been rushed and the consultation with stakeholders has been incomplete. You do not have to take my word for it, Madam Deputy Speaker. Just consider the remarkable open letter issued on Friday 8 February by so many of the organisations closest to the issue: the Voluntary Organisations Disability Group, Disability Rights UK, Foundation for People with Learning Disabilities, Action on Elder Abuse, Dementia Friends, Sense, the National Autistic Society, Royal Society for Blind Children and Mencap, just to mention a few—a very few—of the more than 100 local and national organisations across England and Wales who wrote to the Care Minister and the Parliamentary Under-Secretary of State, Baroness Blackwood.

What did this huge coalition of caring organisations come together to say? They raised "serious concerns" and "significant objections". They called the Department for Health and Social Care's consultation "piecemeal". They talked about "serious conflicts of interest". They highlighted the facts that impact assessments have been late and limited in coverage, and that there is a lack of clarity about how the system will be regulated with independent oversight. They concluded:

"We believe that the reforms in their current guise pose a threat to the human rights of those requiring the greatest support in life."

A threat to human rights is a serious charge. When so many organisations are making it, surely Ministers must listen and not just plough on regardless?

There is a saying in the disability rights movement: no decisions about us without us. When I served as a trustee of the Alzheimer's & Dementia Support Services

and as a Mencap Society committee member, that was a principle we held dear, yet those in their place on the Treasury Bench are not listening. To be clear with the House, we have a serious problem that needs fixing. We have vulnerable people waiting for months, families at the end of their tethers and mental health and care professionals feeling frustrated, and that is why the system is broken.

5.45 pm

However, one of the many reasons why it is broken—a key reason—is the lack of funding. Our system, for example, is heavily reliant on the use of police cells to detain people with mental health problems, when a police cell should only ever be used to detain someone suspected of committing a crime. Being seriously ill is not a crime. I raised the lack of funding with the Minister on Second Reading, but I am still waiting for a reassurance that there will be adequate funding for the new system of liberty protection safeguards to be effective. Quite simply, this cannot be done on the cheap. It cannot be the excuse for yet more cuts.

Jim McMahon (Oldham West and Royton) (Lab/Co-op): I congratulate my hon. Friend on a fantastic, very heartfelt and experienced speech. Does he share my concern that the foundations on which this is being laid—primarily on local government—are very weak, with an £8 million funding gap? The Government have not faced up to that crisis yet.

Mr Dhesi: I thank my hon. Friend and I fully agree with him. The cuts to local government have been devastating and the Bill will merely exacerbate the situation.

Finally, we have come a long way in our understanding of mental illness, dementia and neurodiversity. I note with pride that a new group was founded this weekend—the Labour neurodiversity group—to build on the success of our party's neurodiversity manifesto. We wish the group all the very best. We have made great strides in tackling stigma and prejudice, thanks to the efforts of people such as my right hon. Friend the Member for North Durham (Mr Jones) and my hon. Friend the Member for Liverpool, Wavertree (Luciana Berger), who deserve nothing but praise.

We are learning all the time and our laws must reflect our enlightened attitudes and the latest thinking, not the outdated views of previous eras. I am happy to associate myself with the Labour amendments being discussed this afternoon. If there is one I would highlight, it is the proposed amendment that guarantees a vulnerable person the right to an advocate. In too many cases, they have no one to speak up strongly on their behalf, to articulate their wishes and to champion their best interests. It is surely right that such a person should always be available.

As a member of the Bill Committee, I know that we made some progress in improving the Bill, but I remain unconvinced that it will be enough to rescue this piece of legislation and to provide a fair, workable system that ensures the best possible care for hundreds of thousands of people and guarantees their human rights. Many hon. Members have highlighted the 2017 Law Commission review.

Fiona Bruce: The hon. Gentleman keeps talking about human rights, but what answer does he have for the fact that up to 125,000 people are currently being unlawfully deprived of their liberty, in breach of article 5 of the European convention on human rights? That is the problem that the Bill seeks to rectify.

Mr Dhesi: I thank the hon. Lady for her intervention, but in terms of human rights, this issue is being raised not just by me, but by more than 100 pre-eminent organisations in the field. The only way to solve that is through funding—that is the only way in which we can lay this matter to rest. The hon. Lady highlighted the 2017 Law Commission review of the deprivation of liberty safeguards, which stated that the current regime is

“in crisis and needs to be overhauled.”

I agree. There is a crisis and the current system cannot cope, but surely the answer is not to replace bad laws with yet more bad laws, and that is what we are in danger of doing.

Debbie Abrahams (Oldham East and Saddleworth) (Lab): I will be brief. My hon. Friend the Member for Rhondda (Chris Bryant) has tabled an excellent amendment, which I support. We know that the system is broken. What we are doing is replacing it with an even worse system. Just to acknowledge how broken the system is, the Alzheimer’s Society’s national dementia helpline receives over 100 calls a month about the Mental Capacity Act, which is clearly confusing and complicated for people with dementia, as well as for their families and carers. However, as we have heard, so many different disability organisations and a whole range of charities, as well as the Law Commission, are saying that this Bill is not fit for purpose.

I particularly support the amendments tabled by my hon. Friend the Member for Rhondda. The Greater Manchester Neuro Alliance, which I have supported for several years now, has several concerns, particularly about a person who presents inconsistently and has a cognitive impairment, mental health problems or is simply vulnerable and does not accept or appreciate their illnesses and the limitations. One member of the alliance from Oldham told me:

“My son has been deemed as having capacity because he can answer questions yes or no but he can’t be left alone or allowed to go out unsupported, he doesn’t take his medication and doesn’t have the ability to plan or manage anything including lifesaving treatment every three weeks”.

Such examples are not addressed in the Bill.

I will move swiftly on, Madam Deputy Speaker. I share the concern that my hon. Friend the Member for Worsley and Eccles South (Barbara Keeley) has expressed so clearly about care home managers and the conflict of interest in the Bill. It is a minefield and needs to be addressed. She made that point clearly.

Amendment 48, tabled by my hon. Friend the Member for Stockton North (Alex Cunningham), would rightly prevent cared-for people from being charged for the assessments required by the system, potentially providing a financial incentive to do the mental capacity assessments. Without the amendment, we cannot be sure that people will not be charged more for their care solely because they require liberty protection safeguards to be granted. If the Minister does not accept the amendment, I would

like to know why. On advocacy, we need to ensure that the “best interests” test is changed to place more weight on a person’s wishes.

There are several other issues with the Bill. It has not had a sufficient airing. It has not been consulted on greatly, but I will hand over to my hon. Friend the Member for Stockton North.

Alex Cunningham (Stockton North) (Lab): I had hoped to address several of the amendments signed by my hon. Friends and me, because this is a bad Bill with huge opposition across our society. It fails to protect people adequately, meaning they could be locked up without a proper process of assessment and without advocacy support—and that includes 16 and 17-year-old children. The protections for them are also inadequate, as they are for their parents. Time is against me, however, so I will turn straight to amendment 48, which stands in my name and that of my hon. Friend the Member for Oldham East and Saddleworth (Debbie Abrahams).

There is a genuine concern among organisations in the sector that vulnerable people, particularly those receiving private care, may be charged for an assessment or for assessments to be carried out. I know the Minister got a bit fed up with me banging on about funding and about the fact that local authorities such as mine in Stockton-on-Tees have lost millions of pounds in funding and that budget reductions are continuing across health. I have also addressed the tight margins on which care homes operate and the need to ensure the sector remains viable.

We know that the sector is strained financially and might feel it has no choice but to implement fees and charges for the assessment of clients’ mental capacity. The intention of the amendment is to ensure that this does not happen. Several written submissions to the Public Bill Committee raised concerns about the absence of any provision for a fee for medical professionals to provide medical evidence.

This is the right point to refer to the revised impact assessment published by the Government. I and other Opposition Members have been contacted by academics accusing the assessment of perpetuating a myth by saying that GPs will provide diagnostic evidence and conduct capacity assessments for the LPS and that this will have no resource implications. What total nonsense. How has this conclusion been reached? I have not heard from a single body or GP arguing it will have no resource implications—quite the opposite.

The experience of judicial DoLS applications to the Court of Protection seems to be that GPs are very reluctant to provide such evidence, either because they do not feel skilled enough to do so or because they require payment. This means that someone will have to pay a fee for the medical assessment, and there is nothing in the Bill or the NHS charging regulations to prevent it from being passed on to the person themselves.

Evidence shows that that is already happening. Southfield House, a care home in Stockport, was found to be charging residents £250 if they required a deprivation of liberty authorisation. A complaint was lodged with the Care Quality Commission by Edge Training, but it was told in response that that was allowed. What was that £250 for? “An application to the local authority requesting an assessment” appears to cover it—and after that, there was the £125 annual fee. Individuals who are going

[Alex Cunningham]

through what can only be an extremely emotionally difficult process are being charged hundreds of pounds for the luxury.

It is frustrating that the care home is well within its rights to make those charges. A spokesman put it best:

“The social care sector...is currently under huge financial pressure. All tasks from care to admin to facility carry a cost”.

Because the sector is underfunded, the Government consider it appropriate to take financial advantage of the most vulnerable people in society.

I do not intend to press the amendment to a vote, but I think that the Minister must take on board the whole issue of charges. At present, the law gives care home managers and others carte blanche to charge exactly what they want. There are no limitations whatsoever. I ask the Minister, perhaps at the regulations stage, to come back with specific ideas to restrict care home managers and others from exploiting those vulnerable people.

Chris Bryant: I was expecting my hon. Friend the Member for Stockton North (Alex Cunningham) to go on a bit longer, but now that I have the Floor, let me say this.

There is quite a bit of consensus, certainly among Labour Members, that there are elements of the Bill with which we are not happy, and I am sure that we will vote on those in a few moments. What the Minister said earlier makes me hopeful that she will do her level best to ensure that the way in which the needs of people with acquired brain injuries can be met will be clearly laid out in the code of conduct. As my hon. Friend the Member for Oldham East and Saddleworth (Debbie Abrahams) said, some of the issues are very specific to them; they are different from those affecting other people in the same category.

The deprivation of liberty is one of the most important issues that Parliament ever has to consider. We all accept that, and it was referred to by both the Minister and my hon. Friend the Member for Worsley and Eccles South (Barbara Keeley). I hope that we manage to get the code of conduct right, at the right time, and that the process we use ensures that as many as possible of the users, patients, carers and organisations that are involved in this matter on a daily basis have a real opportunity to feel that they can own that code. I think that that is the point at which the Minister might manage to assuage some of our concerns, although some Labour concerns are extremely strong.

As I told the Minister yesterday, I do not intend to press my amendment to a vote. She is smiling now. I therefore beg to ask leave to withdraw the amendment.

Question put and agreed to.

Amendment, by leave, withdrawn.

Madam Deputy Speaker (Dame Eleanor Laing): With the leave of the House, I propose to put Government amendments 5 to 37 together.

Schedule 1

SCHEDULE TO BE INSERTED AS SCHEDULE AA1 TO THE MENTAL CAPACITY ACT 2005

Amendments made: 5, page 8, line 6, leave out from “Wales,” to end of line 10 and insert

“the person registered, or required to be registered, under Chapter 2 of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) in respect of the provision of a care home service, in the care home;”.

This amendment amends the definition of “care home manager”, in Wales, so it will be the person who is the registered service provider. This mirrors the approach taken for England.

Amendment 6, page 8, line 13, at end insert—

““Education, Health and Care plan” means a plan within the meaning of section 37(2) of the Children and Families Act 2014;”

This amendment is consequential on Amendment 22.

Amendment 7, page 8, leave out line 16

This amendment is consequential on Amendment 13.

Amendment 8, page 8, line 17, at end insert—

““independent hospital” has the meaning given by paragraph 5;”

This amendment is consequential on Amendment 13.

Amendment 9, page 8, line 27, at end insert—

““NHS hospital” has the meaning given by paragraph 5;”

This amendment is consequential on Amendment 13.

Amendment 10, page 8, line 46, leave out “Hospital” and insert “NHS hospital and independent hospital”.

This amendment is consequential on Amendment 13.

Amendment 11, page 8, leave out line 47.

This amendment is consequential on Amendment 13.

Amendment 12, page 9, line 15, after “6” insert “(1)”.

This amendment is consequential on Amendment 18.

Amendment 13, page 9, line 16, leave out “a” and insert “an NHS”.

This amendment amends paragraph 6(a) so that where arrangements are carried out mainly in an independent hospital the responsible body for those arrangements will not be the hospital manager.

Amendment 14, page 9, line 17, at end insert—

- (aa) if the arrangements are carried out mainly in an independent hospital in England, the responsible local authority determined in accordance with paragraph 8A;
- (ab) if the arrangements are carried out mainly in an independent hospital in Wales, the Local Health Board for the area in which the hospital is situated;”

This amendment makes provision for who the responsible body will be for cases where arrangements are carried out mainly in an independent hospital in England or Wales.

Amendment 15, page 9, line 18, leave out “paragraph (a) does not apply” and insert “none of paragraphs (a) to (ab) applies”.

This amendment is consequential on Amendment 14.

Amendment 16, page 9, line 27, leave out “neither paragraph (a) nor paragraph (b)” and insert “none of paragraphs (a) to (b)”.

This amendment is consequential on Amendment 14.

Amendment 17, page 9, line 28, leave out “(see paragraph 9)” and insert

“determined in accordance with paragraph 9”.

This amendment is consequential on Amendment 14.

Amendment 18, page 9, line 28, at end insert—

“(2) If an independent hospital is situated in the areas of two or more Local Health Boards, it is to be regarded for the purposes of sub-paragraph (1)(ab) as situated in whichever of the areas the greater (or greatest) part of the hospital is situated.”

This amendment provides that, for the purpose of determining who is the responsible body, if a hospital is situated in the areas of two

or more Local Health Boards, it should be regarded as situated in whichever of the areas the greater (or greatest) part of the hospital is situated.

Amendment 19, page 9, line 29, after “manager” insert

“, in relation to an NHS hospital,”.

This amendment is consequential on Amendment 13.

Amendment 20, page 9, line 45, at end insert—

(ca) if the hospital is vested in a Local Health Board, that Board.”

This amendment makes provision that the hospital manager for an NHS hospital vested in a Local Health Board will be that Board.

Amendment 21, page 9, line 46, leave out from beginning to end of line 12 on page 10

This amendment is consequential on Amendment 13.

Amendment 22, page 10, line 20, at end insert—

8A (1) In paragraph 6(1)(aa), “responsible local authority”, in relation to a cared-for person aged 18 or over, means—

- (a) if there is an Education, Health and Care plan for the cared-for person, the local authority responsible for maintaining that plan;
- (b) if paragraph (a) does not apply and the cared-for person has needs for care and support which are being met under Part 1 of the Care Act 2014, the local authority meeting those needs;
- (c) in any other case, the local authority determined in accordance with sub-paragraph (4).

(2) If more than one local authority is meeting the needs of a cared-for person for care and support under Part 1 of the Care Act 2014 the responsible local authority is the local authority for the area in which the cared-for person is ordinarily resident for the purposes of that Part of that Act.

(3) In paragraph 6(1)(aa), “responsible local authority”, in relation to a cared-for person aged 16 or 17, means—

- (a) if there is an Education, Health and Care plan for the cared-for person, the local authority responsible for maintaining that plan;
- (b) if paragraph (a) does not apply and the cared-for person is being provided with accommodation under section 20 of the Children Act 1989, the local authority providing that accommodation;
- (c) if neither paragraph (a) nor paragraph (b) applies and the cared-for person is subject to a care order under section 31 of the Children Act 1989 or an interim care order under section 38 of that Act, and a local authority in England is responsible under the order for the care of the cared-for person, that local authority;
- (d) if none of paragraphs (a) to (c) applies, the local authority determined in accordance with sub-paragraph (4).

(4) In the cases mentioned in sub-paragraphs (1)(c) and (3)(d), the “responsible local authority” is the local authority for the area in which the independent hospital mentioned in paragraph 6(1)(aa) is situated.

(5) If an independent hospital is situated in the areas of two or more local authorities, it is to be regarded for the purposes of sub-paragraph (4) as situated in whichever of the areas the greater (or greatest) part of the hospital is situated.”

This amendment makes provision as to who the responsible body will be in cases where arrangements are carried out mainly in an independent hospital in England.

Amendment 23, page 11, leave out lines 45 to 47.

This amendment is consequential on Amendment 22.

Amendment 24, page 12, line 19, at end insert—

12A (1) The following must publish information about authorisation of arrangements under this Schedule—

- (a) the hospital manager of each NHS hospital;

(b) each clinical commissioning group;

(c) each Local Health Board;

(d) each local authority.

(2) The information must include information on the following matters in particular—

(a) the effect of an authorisation;

(b) the process for authorising arrangements, including making or carrying out—

(i) assessments and determinations required under paragraphs 18 and 19;

(ii) consultation under paragraph 20;

(iii) a pre-authorisation review (see paragraphs 21 to 23);

(c) the circumstances in which an independent mental capacity advocate should be appointed under paragraph 39 or 40;

(d) the role of a person within paragraph 39(5) (an “appropriate person”) in relation to a cared-for person and the effect of there being an appropriate person;

(e) the circumstances in which a pre-authorisation review is to be carried out by an Approved Mental Capacity Professional under paragraph 21;

(f) the right to make an application to the court to exercise its jurisdiction under section 21ZA;

(g) reviews under paragraph 35, including—

(i) when a review will be carried out;

(ii) the rights to request a review;

(iii) the circumstances in which a referral may or will be made to an Approved Mental Capacity Professional.

(3) The information must be accessible to, and appropriate to the needs of, cared-for persons and appropriate persons.

12B (1) Where arrangements are proposed, the responsible body must as soon as practicable take such steps as are practicable to ensure that—

(a) the cared-for person, and

(b) any appropriate person in relation to the cared-for person,

understands the matters mentioned in sub-paragraph (3).

(2) If, subsequently, at any time while the arrangements are being proposed the responsible body becomes satisfied under paragraph 39(5) that a person is an appropriate person in relation to the cared-for person, the responsible body must, as soon as practicable, take such steps as are practicable to ensure that the appropriate person understands the matters mentioned in sub-paragraph (3).

(3) Those matters are—

(a) the nature of the arrangements, and

(b) the matters mentioned in paragraph 12A(2) as they apply in relation to the cared-for person’s case.

(4) If it is not appropriate to take steps to ensure that the cared-for person or any appropriate person understands a particular matter then, to that extent, the duties in sub-paragraphs (1) and (2) do not apply.

(5) In this paragraph “appropriate person”, in relation to a cared-for person, means a person within paragraph 39(5).”

This amendment inserts new paragraphs 12A and 12B of the new Schedule AA1 to require responsible bodies to publish information about authorisation of arrangements under the Schedule and to take steps at the outset of the authorisation process to ensure that cared-for persons and appropriate persons understand the process.

Amendment 25, page 12, line 32, after “practicable” insert

“and appropriate, having regard to the steps taken under paragraph 12B and the length of time since they were taken,”.

This amendment amends the duty in paragraph 13(2) of the new Schedule AA1 for a responsible body to take steps, as soon as arrangements are authorised, to ensure that cared-for persons and appropriate persons understand matters relating to the

authorisation, to reflect the fact the body may have already have done that very recently under new paragraph 12B (inserted by Amendment 24).

Amendment 26, page 12, line 33, leave out from “any” to “understands” in line 34 and insert “appropriate person”.

This amendment amends the duty in paragraph 13(2) so that the duty to ensure that cared-for persons and appropriate persons understand matters relating to an authorisation does not also apply to independent mental capacity advocates (who can be expected to understand those matters) in line with the new duty in paragraph 12B (inserted by Amendment 24).

Amendment 27, page 12, line 34, leave out from “understands” to end of line 5 on page 13 and insert “the matters mentioned in paragraph 12A(2)(a), (c), (d), (f) and (g) as they apply in relation to the cared-for person’s case”.

This amendment aligns the description of matters that must be explained to the cared-for person and any appropriate person with the list of matters in new paragraph 12A (inserted by Amendment 24).

Amendment 28, page 14, line 46, at end insert—

“(1A) The person who makes the determination need not be the same as the person who carries out the assessment.”

This amendment makes it clear that a determination need not be made by the same person who carries out an assessment. A person could, for example, make a determination based on an assessment carried out previously by a different person (paragraph 18(6) of the new Schedule AA1 allows for this).

Amendment 29, page 14, leave out lines 47 and 48 and insert—

“(2) The appropriate authority may by regulations make provision for requirements which must be met by a person—

- (a) making a determination, or
- (b) carrying out an assessment,

under this paragraph.

(2A) Regulations under sub-paragraph (2) may make different provision—

- (a) for determinations and assessments, and
- (b) for determinations and assessments required under sub-paragraph (1)(a) and determinations and assessments required under sub-paragraph (1)(b).”

This amendment provides power to make regulations setting out requirements which must be met for a person to make a determination or carry out an assessment. The requirements will relate to matters such as knowledge and experience. Different requirements may be set out for a person making a determination than a person carrying out an assessment.

Amendment 30, page 15, line 12, after “the” insert “determination or”.

This amendment is consequential on Amendment 29.

Amendment 31, page 15, line 14, after “the” insert “determination or”.

This amendment is consequential on Amendment 29.

Amendment 32, page 15, line 16, leave out “The” and insert “An”.

This amendment is to make it clear that the assessment being referred to is an assessment on which a determination under the paragraph is made.

Amendment 33, page 15, line 32, leave out “made on an assessment” and insert

“by a person, who meets requirements prescribed by regulations made by the appropriate authority, made on an assessment by that person”.

This amendment is to make it clear that a determination required under paragraph 19 of the new Schedule AA1 must be made by the same person who carries out the assessment on which that

determination is based and that person must meet requirements set out in regulations.

Amendment 34, page 15, leave out lines 38 to 44.

This amendment is consequential on Amendment 33.

Amendment 35, page 15, line 46, leave out from “16,” to “by” in line 1 on page 16 and insert “a determination may not be made”.

This amendment is consequential on Amendment 33.

Amendment 36, page 16, line 7, leave out “assessment” and insert “determination”.

This amendment is consequential on Amendment 33.

Amendment 37, page 16, line 9, leave out “assessment” and insert “determination”.—(Caroline Dineneage.)

This amendment is consequential on Amendment 33.

Amendment proposed: 49, page 16, line 12, leave out from “out” to the end of line 16, and insert “by the responsible body.”—(Barbara Keeley.)

This amendment would require the responsible body to carry out the consultation in all cases.

Question put, That the amendment be made.

The House divided: Ayes 252, Noes 303.

Division No. 325]

[5.59 pm

AYES

Abbott, rh Ms Diane
Abrahams, Debbie
Ali, Rushanara
Allin-Khan, Dr Rosena
Amesbury, Mike
Antoniazzi, Tonia
Ashworth, Jonathan
Bailey, Mr Adrian
Barron, rh Sir Kevin
Beckett, rh Margaret
Benn, rh Hilary
Berger, Luciana
Betts, Mr Clive
Blomfield, Paul
Brabin, Tracy
Bradshaw, rh Mr Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Richard
Butler, Dawn
Byrne, rh Liam
Cable, rh Sir Vince
Campbell, rh Sir Alan
Campbell, Mr Ronnie
Carden, Dan
Carmichael, rh Mr Alistair
Champion, Sarah
Chapman, Jenny
Clwyd, rh Ann
Coaker, Vernon
Cooper, Julie
Cooper, Rosie
Cooper, rh Yvette
Corbyn, rh Jeremy
Coyle, Neil
Creagh, Mary
Creasy, Stella
Cruddas, Jon
Cryer, John

Cummins, Judith
Cunningham, Alex
Cunningham, Mr Jim
Daby, Janet
Dakin, Nic
Davey, rh Sir Edward
David, Wayne
Davies, Geraint
De Cordova, Marsha
De Piero, Gloria
Debbonaire, Thangam
Dent Coad, Emma
Dhesi, Mr Tanmanjeet Singh
Dodds, Anneliese
Doughty, Stephen
Dowd, Peter
Dromey, Jack
Duffield, Rosie
Eagle, Ms Angela
Eagle, Maria
Edwards, Jonathan
Efford, Clive
Elliott, Julie
Esterson, Bill
Evans, Chris
Farrelly, Paul
Farron, Tim
Fitzpatrick, Jim
Flint, rh Caroline
Fovargue, Yvonne
Foxcroft, Vicky
Frith, James
Furniss, Gill
Gaffney, Hugh
Gapes, Mike
Gardiner, Barry
George, Ruth
Gill, Preet Kaur
Glindon, Mary
Godsiff, Mr Roger
Goodman, Helen
Green, Kate
Greenwood, Lilian

Greenwood, Margaret
 Griffith, Nia
 Grogan, John
 Gwynne, Andrew
 Haigh, Louise
 Hamilton, Fabian
 Hanson, rh David
 Hardy, Emma
 Harman, rh Ms Harriet
 Harris, Carolyn
 Hayes, Helen
 Hayman, Sue
 Healey, rh John
 Hendrick, Sir Mark
 Hepburn, Mr Stephen
 Hermon, Lady
 Hill, Mike
 Hillier, Meg
 Hobhouse, Wera
 Hodge, rh Dame Margaret
 Hodgson, Mrs Sharon
 Hoey, Kate
 Hollern, Kate
 Howarth, rh Mr George
 Huq, Dr Rupa
 Hussain, Imran
 Jardine, Christine
 Jarvis, Dan
 Johnson, Diana
 Jones, Darren
 Jones, Gerald
 Jones, Graham P.
 Jones, Helen
 Jones, rh Mr Kevan
 Jones, Sarah
 Jones, Susan Elan
 Kane, Mike
 Keeley, Barbara
 Kendall, Liz
 Khan, Afzal
 Killen, Ged
 Kinnock, Stephen
 Kyle, Peter
 Laird, Lesley
 Lake, Ben
 Lamb, rh Norman
 Lammy, rh Mr David
 Lavery, Ian
 Lee, Karen
 Leslie, Mr Chris
 Lewell-Buck, Mrs Emma
 Lewis, Mr Ivan
 Lloyd, Stephen
 Lloyd, Tony
 Long Bailey, Rebecca
 Lucas, Caroline
 Lucas, Ian C.
 Lynch, Holly (*Proxy vote cast
 by Mark Tami*)
 Madders, Justin
 Mahmood, Mr Khalid
 Mahmood, Shabana
 Malhotra, Seema
 Mann, John
 Marsden, Gordon
 Martin, Sandy
 Maskell, Rachael
 Matheson, Christian
 McCabe, Steve
 McCarthy, Kerry
 McDonagh, Siobhain
 McDonald, Andy

McDonnell, rh John
 McFadden, rh Mr Pat
 McGovern, Alison
 McInnes, Liz
 McKinnell, Catherine
 McMahon, Jim
 McMorris, Anna
 Miliband, rh Edward
 Moon, Mrs Madeleine
 Moran, Layla
 Morden, Jessica
 Morris, Grahame
 Murray, Ian
 Nandy, Lisa
 Norris, Alex
 Onn, Melanie
 Onwurah, Chi
 Osamor, Kate
 Owen, Albert
 Pearce, Teresa
 Pennycook, Matthew
 Perkins, Toby
 Phillips, Jess
 Phillipson, Bridget
 Platt, Jo
 Pollard, Luke
 Pound, Stephen
 Powell, Lucy
 Qureshi, Yasmin
 Rashid, Faisal
 Rayner, Angela
 Reed, Mr Steve
 Rees, Christina
 Reeves, Ellie
 Reeves, Rachel
 Reynolds, Jonathan
 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
 Siddiq, Tulip (*Proxy vote cast
 by Vicky Foxcroft*)
 Skinner, Mr Dennis
 Slaughter, Andy
 Smeeth, Ruth
 Smith, Angela
 Smith, Cat
 Smith, Eleanor
 Smith, Jeff
 Smith, Laura
 Smith, Nick
 Smith, Owen
 Smyth, Karin
 Snell, Gareth
 Sobel, Alex
 Spellar, rh John
 Starmer, rh Keir
 Stevens, Jo
 Stone, Jamie
 Streeting, Wes
 Sweeney, Mr Paul
 Swinson, Jo
 Tami, rh Mark
 Thomas, Gareth

Thomas-Symonds, Nick
 Thornberry, rh Emily
 Timms, rh Stephen
 Trickett, Jon
 Turley, Anna
 Turner, Karl
 Twigg, Derek
 Twigg, Stephen
 Twist, Liz
 Umunna, Chuka
 Vaz, Valerie
 Walker, Thelma
 Watson, Tom
 West, Catherine

Western, Matt
 Whitehead, Dr Alan
 Whitfield, Martin
 Williams, Hywel
 Williams, Dr Paul
 Williamson, Chris
 Wilson, Phil
 Woodcock, John
 Yasin, Mohammad
 Zeichner, Daniel

Tellers for the Ayes:
**Colleen Fletcher and
 Stephanie Peacock**

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
 Baron, Mr John
 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
 Brady, Sir Graham
 Braverman, Suella
 Brereton, Jack
 Bridgen, Andrew
 Brine, Steve
 Brokenshire, rh James
 Bruce, Fiona
 Buckland, Robert
 Burghart, Alex
 Burns, Conor
 Burt, rh Alistair
 Cairns, rh Alun
 Campbell, Mr Gregory
 Cartledge, James
 Cash, Sir William
 Caulfield, Maria
 Chalk, Alex
 Chishti, Rehman
 Churchill, Jo
 Clark, rh Greg
 Clarke, rh Mr Kenneth
 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
 Davis, rh Mr David
 Dinenage, 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, rh Mr Philip
 Ellis, Michael
 Ellwood, rh Mr Tobias
 Elphicke, Charlie
 Eustice, George
 Evans, Mr Nigel
 Evnnett, rh Sir David
 Fabricant, Michael
 Fallon, rh Sir Michael
 Field, rh Mark
 Ford, Vicky
 Foster, Kevin
 Francois, rh Mr Mark
 Frazer, Lucy
 Freeman, George
 Freer, Mike
 Fysh, Mr Marcus
 Gale, rh Sir Roger
 Garnier, Mark
 Gauke, rh Mr David
 Ghani, Ms Nusrat
 Gibb, rh Nick
 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
 Griffiths, Andrew
 Gyimah, Mr Sam
 Hair, Kirstene
 Halfon, rh Robert
 Hall, Luke
 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
 Heappey, 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
 Jayawardena, Mr Ranil
 Jenkin, Sir Bernard
 Jenkyns, Andrea
 Jenrick, Robert
 Johnson, rh Boris
 Johnson, Dr Caroline
 Johnson, Gareth
 Johnson, Joseph
 Jones, Andrew
 Jones, rh Mr David
 Jones, Mr Marcus
 Kawczynski, Daniel
 Keegan, Gillian
 Kennedy, Seema
 Kerr, Stephen
 Knight, rh Sir Greg
 Knight, Julian
 Kwarteng, Kwasi
 Lamont, John
 Lancaster, rh Mark
 Latham, Mrs Pauline
 Leadsom, rh Andrea
 Lee, Dr Phillip
 Lefroy, Jeremy
 Leigh, rh Sir Edward
 Letwin, rh Sir Oliver
 Lewer, Andrew
 Lewis, rh Brandon
 Lewis, rh Dr Julian
 Liddell-Grainger, Mr Ian
 Little Pengelly, Emma
 Lopez, Julia
 Lopresti, Jack
 Lord, Mr Jonathan
 Loughton, Tim
 Mackinlay, Craig
 Maclean, Rachel

Main, Mrs Anne
 Mak, Alan
 Malthouse, Kit
 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
 Mundell, rh David
 Murray, Mrs Sheryll
 Murrison, Dr Andrew
 Neill, Robert
 Newton, Sarah
 Nokes, rh Caroline
 Norman, Jesse
 O'Brien, Neil
 Offord, Dr Matthew
 Paisley, Ian
 Parish, Neil
 Patel, rh Priti
 Paterson, rh Mr Owen
 Pawsey, Mark
 Penning, rh Sir Mike
 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
 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, Sir Gary
 Stride, rh Mel
 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
 Williamson, rh Gavin
 Wilson, rh Sammy
 Wollaston, Dr Sarah
 Wood, Mike
 Wragg, Mr William
 Wright, rh Jeremy

Tellers for the Noes:
Wendy Morton and
Iain Stewart

Question accordingly negated.

6.15 pm

Proceedings interrupted (Programme Order, 18 December).

The Deputy Speaker put forthwith the Questions necessary for the disposal of the business to be concluded at that time (Standing Order No. 83E).

Amendment made: 38, page 16, line 13, leave out from second “arrangements” to end of line 14 and insert “and—

(i) authorisation is being determined under paragraph 16, or

(ii) renewal is being determined under paragraph 32, by”.—(*Caroline Dinenage.*)

This amendment is to make it clear that consultation under paragraph 20 of the new Schedule A1 for the purposes of renewal of authorisation under paragraph 32 of that Schedule is to be by the care home manager.

Amendment proposed: 50, page 17, line 13, at end insert—

“(ca) the arrangements are being authorised under paragraph 16 of this Schedule, or”—(*Barbara Keeley.*)

This amendment would require an AMCP to review all cases where the responsible body is authorising arrangements based on a statement provided by a care home manager.

Question put, That the amendment be made.

The House divided: Ayes 249, Noes 301.

Division No. 326]

[6.16 pm

AYES

Abbott, rh Ms Diane
 Abrahams, Debbie
 Ali, Rushanara
 Allin-Khan, Dr Rosena
 Amesbury, Mike
 Antoniazzi, Tonia
 Ashworth, Jonathan
 Bailey, Mr Adrian
 Barron, rh Sir Kevin
 Beckett, rh Margaret
 Benn, rh Hilary

Berger, Luciana
 Betts, Mr Clive
 Blomfield, Paul
 Brabin, Tracy
 Bradshaw, rh Mr Ben
 Brennan, Kevin
 Brown, Lyn
 Brown, rh Mr Nicholas
 Bryant, Chris
 Buck, Ms Karen
 Burden, Richard

Burton, Richard
 Butler, Dawn
 Byrne, rh Liam
 Cable, rh Sir Vince
 Campbell, rh Sir Alan
 Campbell, Mr Ronnie
 Carden, Dan
 Carmichael, rh Mr Alistair
 Champion, Sarah
 Chapman, Jenny
 Clwyd, rh Ann
 Coaker, Vernon
 Cooper, Julie
 Cooper, Rosie
 Cooper, rh Yvette
 Coyle, Neil
 Creagh, Mary
 Creasy, Stella
 Cruddas, Jon
 Cryer, John
 Cummins, Judith
 Cunningham, Alex
 Cunningham, Mr Jim
 Daby, Janet
 Dakin, Nic
 David, Wayne
 Davies, Geraint
 De Cordova, Marsha
 De Piero, Gloria
 Debbonaire, Thangam
 Dent Coad, Emma
 Dhesi, Mr Tanmanjeet Singh
 Dodds, Anneliese
 Doughty, Stephen
 Dowd, Peter
 Duffield, Rosie
 Eagle, Ms Angela
 Eagle, Maria
 Edwards, Jonathan
 Efford, Clive
 Elliott, Julie
 Esterson, Bill
 Evans, Chris
 Farrelly, Paul
 Farron, Tim
 Fitzpatrick, Jim
 Flint, rh Caroline
 Fovargue, Yvonne
 Foxcroft, Vicky
 Frith, James
 Furniss, Gill
 Gaffney, Hugh
 Gapes, Mike
 Gardiner, Barry
 George, Ruth
 Gill, Preet Kaur
 Glindon, Mary
 Godsiff, Mr Roger
 Goodman, Helen
 Green, Kate
 Greenwood, Lilian
 Greenwood, Margaret
 Griffith, Nia
 Grogan, John
 Gwynne, Andrew
 Haigh, Louise
 Hamilton, Fabian
 Hanson, rh David
 Hardy, Emma
 Harman, rh Ms Harriet
 Harris, Carolyn
 Hayes, Helen
 Hayman, Sue
 Healey, rh John
 Hendrick, Sir Mark
 Hepburn, Mr Stephen
 Hermon, Lady
 Hill, Mike
 Hillier, Meg
 Hobhouse, Wera
 Hodge, rh Dame Margaret
 Hodgson, Mrs Sharon
 Hoey, Kate
 Hollern, Kate
 Howarth, rh Mr George
 Huq, Dr Rupa
 Hussain, Imran
 Jardine, Christine
 Jarvis, Dan
 Johnson, Diana
 Jones, Darren
 Jones, Gerald
 Jones, Graham P.
 Jones, Helen
 Jones, rh Mr Kevan
 Jones, Sarah
 Jones, Susan Elan
 Kane, Mike
 Keeley, Barbara
 Kendall, Liz
 Khan, Afzal
 Killen, Ged
 Kinnock, Stephen
 Kyle, Peter
 Laird, Lesley
 Lake, Ben
 Lamb, rh Norman
 Lammy, rh Mr David
 Lavery, Ian
 Lee, Karen
 Leslie, Mr Chris
 Lewell-Buck, Mrs Emma
 Lewis, Mr Ivan
 Lloyd, Stephen
 Lloyd, Tony
 Long Bailey, Rebecca
 Lucas, Caroline
 Lucas, Ian C.
 Lynch, Holly (*Proxy vote cast
 by Mark Tami*)
 Madders, Justin
 Mahmood, Mr Khalid
 Mahmood, Shabana
 Malhotra, Seema
 Mann, John
 Marsden, Gordon
 Martin, Sandy
 Maskell, Rachael
 Matheson, Christian
 McCabe, Steve
 McCarthy, Kerry
 McDonald, Andy
 McDonnell, rh John
 McFadden, rh Mr Pat
 McGovern, Alison
 McInnes, Liz
 McKinnell, Catherine
 McMahon, Jim
 McMorris, Anna
 Mearns, Ian
 Miliband, rh Edward
 Moon, Mrs Madeleine
 Moran, Layla
 Morden, Jessica

Morris, Grahame
 Murray, Ian
 Nandy, Lisa
 Norris, Alex
 Onn, Melanie
 Onwurah, Chi
 Osamor, Kate
 Owen, Albert
 Pearce, Teresa
 Pennycook, Matthew
 Perkins, Toby
 Phillips, Jess
 Phillipson, Bridget
 Platt, Jo
 Pollard, Luke
 Pound, Stephen
 Powell, Lucy
 Qureshi, Yasmin
 Rashid, Faisal
 Rayner, Angela
 Reed, Mr Steve
 Rees, Christina
 Reeves, Ellie
 Reeves, Rachel
 Reynolds, Jonathan
 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
 Siddiq, Tulip (*Proxy vote cast
 by Vicky Foxcroft*)
 Skinner, Mr Dennis
 Slaughter, Andy
 Smeeth, Ruth
 Smith, Angela
 Smith, Cat
 Smith, Eleanor

Smith, Jeff
 Smith, Laura
 Smith, Nick
 Smith, Owen
 Smyth, Karin
 Snell, Gareth
 Sobel, Alex
 Spellar, rh John
 Starmar, rh Keir
 Stevens, Jo
 Stone, Jamie
 Streeter, Wes
 Sweeney, Mr Paul
 Swinson, Jo
 Tami, rh Mark
 Thomas, Gareth
 Thomas-Symonds, Nick
 Thornberry, rh Emily
 Timms, rh Stephen
 Trickett, Jon
 Turley, Anna
 Turner, Karl
 Twigg, Derek
 Twigg, Stephen
 Twist, Liz
 Umunna, Chuka
 Vaz, Valerie
 Walker, Thelma
 Watson, Tom
 West, Catherine
 Western, Matt
 Whitehead, Dr Alan
 Whitfield, Martin
 Williams, Hywel
 Williams, Dr Paul
 Williamson, Chris
 Wilson, Phil
 Woodcock, John
 Yasin, Mohammad
 Zeichner, Daniel

Tellers for the Ayes:
Colleen Fletcher and
Stephanie Peacock

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
 Baron, Mr John
 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
 Brady, Sir Graham
 Braverman, Suella
 Brereton, Jack
 Bridgen, Andrew
 Brine, Steve
 Brokenshire, rh James
 Bruce, Fiona
 Buckland, Robert
 Burns, Conor
 Burt, rh Alistair
 Cairns, rh Alun
 Campbell, Mr Gregory
 Cartledge, James
 Cash, Sir William
 Caulfield, Maria
 Chalk, Alex
 Chishti, Rehman
 Churchill, Jo
 Clark, rh Greg
 Clarke, rh Mr Kenneth
 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
Davis, rh Mr David
Dinenage, 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, rh 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
Field, rh Mark
Ford, Vicky
Foster, Kevin
Francois, rh Mr Mark
Frazer, Lucy
Freeman, George
Freer, Mike
Fysh, Mr Marcus
Gale, rh Sir Roger
Garnier, Mark
Gauke, rh Mr David
Ghani, Ms Nusrat
Gibb, rh Nick
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
Griffiths, Andrew
Gyimah, Mr Sam
Hair, Kirstene
Halfon, rh Robert
Hall, Luke
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
Jayawardena, Mr Ranil
Jenkin, Sir Bernard
Jenkyne, Andrea
Jenrick, Robert
Johnson, rh Boris
Johnson, Dr Caroline
Johnson, Gareth
Johnson, Joseph
Jones, Andrew
Jones, rh Mr David
Jones, Mr Marcus
Kawczynski, Daniel
Keegan, Gillian
Kennedy, Seema
Kerr, Stephen
Knight, rh Sir Greg
Knight, Julian
Kwarteng, Kwasi
Lamont, John
Lancaster, rh Mark
Latham, Mrs Pauline
Leadsom, rh Andrea
Lee, Dr Phillip
Lefroy, Jeremy
Leigh, rh Sir Edward
Letwin, rh Sir Oliver
Lewer, Andrew
Lewis, rh Brandon
Lewis, rh Dr Julian
Liddell-Grainger, Mr Ian
Little Pengelly, Emma
Lopez, Julia
Lopresti, Jack
Lord, Mr Jonathan
Loughton, Tim
Mackinlay, Craig
Maclean, Rachel
Main, Mrs Anne
Mak, Alan
Malthouse, Kit
Mann, Scott
Masterton, Paul
Maynard, Paul
McLoughlin, rh Sir Patrick
McPartland, Stephen
McVey, rh Ms Esther
Menzies, Mark
Mercer, Johnny
Merriman, Huw

Metcalf, 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
Mundell, rh David
Murray, Mrs Sheryll
Murrison, Dr Andrew
Neill, Robert
Newton, Sarah
Nokes, rh Caroline
Norman, Jesse
O'Brien, Neil
Offord, Dr Matthew
Paisley, Ian
Parish, Neil
Patel, rh Priti
Paterson, rh Mr Owen
Pawsey, Mark
Penning, rh Sir Mike
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

Simpson, David
Simpson, rh Mr Keith
Skidmore, Chris
Smith, Chloe
Smith, Henry
Smith, rh Julian
Smith, Royston
Soames, rh Sir Nicholas
Soubry, rh Anna
Spencer, Mark
Stephenson, Andrew
Stevenson, John
Stewart, Bob
Stewart, Rory
Streeter, Sir Gary
Stride, rh Mel
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
Williamson, rh Gavin
Wilson, rh Sammy
Wollaston, Dr Sarah
Wood, Mike
Wragg, Mr William
Wright, rh Jeremy

Tellers for the Noes:
Wendy Morton and
Iain Stewart

Question accordingly negated.

Amendments made: 39, page 18, line 7, after “being” insert—

“, and the responsible body for the time being.”

This amendment is to clarify that the responsible body in relation to a cared-for person may change during the lifetime of an authorisation and, if it does, that change is to be recorded in the authorisation record.

Amendment 40, page 20, leave out line 45 and insert—

(a) on a variation under paragraph 34;”

This amendment ensures that a review will take place on a variation under paragraph 34.

Amendment 41, page 21, line 7, after “(4)” insert “or (5A)”.

This provides for a duty to carry out a review in the circumstances described in the new sub-paragraph (5A) (inserted by Amendment 44).

Amendment 42, page 21, line 10, at end insert—

“(3A) A review under sub-paragraph (3)(a) must be carried out before the authorisation is varied or, if that is not practicable or appropriate, as soon as practicable afterwards.”

This amendment provides that a review under sub-paragraph (3)(a) must be carried out before the authorisation is varied, or if that is not practicable or appropriate, it must be carried out as soon as possible after variation.

Amendment 43, page 21, line 18, leave out from “paragraph” to end of line 19 and insert—

“21—

- (i) was not by an Approved Mental Capacity Professional, or
- (ii) was by an Approved Mental Capacity Professional solely because paragraph 21(2)(c) or (d) applied.”

This amendment expands the duty to refer to an Approved Mental Capacity Professional on a review so it applies in certain cases where a pre-authorisation review under paragraph 21 of the new Schedule AAI has been carried out by an Approved Mental Capacity Professional.

Amendment 44, page 21, line 26, at end insert—

“(5A) This sub-paragraph applies where sub-paragraph (4) does not apply and—

- (a) the arrangements provide for the cared-for person to reside in, or to receive care or treatment at, a specified place,
- (b) a relevant person informs the reviewer or (if the reviewer is not the responsible body) the responsible body that they believe that the cared-for person does not wish to reside in, or to receive care or treatment at, that place, and
- (c) the relevant person makes a reasonable request to the person informed under paragraph (b) for a review to be carried out.

(5B) In sub-paragraph (5A) “relevant person” means a person engaged in caring for the cared-for person or a person interested in the cared-for person’s welfare.”

This amendment provides for an additional situation which will trigger a duty to review an authorisation.

Amendment 45, page 21, line 32, at end insert—

“(7A) On any review where sub-paragraph (5A) applies, the reviewer or (if the reviewer is not the responsible body) the responsible body may refer the authorisation to an Approved Mental Capacity Professional and, if the Approved Mental Capacity Professional accepts the referral, the Approved Mental Capacity Professional must determine whether the authorisation conditions are met.”

Where a duty to review arises due to the new sub-paragraph (5A) (inserted by Amendment 44) this amendment provides for a power to refer the authorisation to an Approved Mental Capacity Professional.

Amendment 46, page 21, line 33, after “determination” insert

“mentioned in sub-paragraph (7) or (7A)”..—(Caroline Dineneage.)

This amendment is consequential on Amendment 45.

Amendment proposed: 51, page 23, line 1, leave out paragraphs 39 and 40 and insert—

“39 (1) The responsible body must appoint an IMCA to represent and support the cared-for person if—

- (a) one or more of sub-paragraphs (2), (3), (4) or (5) applies, and
- (b) sub-paragraph (6) does not apply.

(2) The cared-for person makes a request to the responsible body for an IMCA to be appointed.

(3) The responsible body has not identified an “appropriate person” to support and represent the cared-for person in matters connected with the authorisation.

(4) The responsible body has identified an “appropriate person” to support and represent the cared-for person in matters connected with the authorisation, and they have made a request to the responsible body for an IMCA to be appointed.

(5) The responsible body has reason to believe one or more of the following—

- (a) that, without the help of an IMCA, the cared-for person and any appropriate person supporting and representing them would be unable to understand or exercise one or more of the relevant rights;
- (b) that the cared-for person and any appropriate person supporting and representing them have each failed to exercise a relevant right when it would have been reasonable to exercise it;
- (c) that the cared-for person and any appropriate person supporting and representing them are each unlikely to exercise a relevant right when it would be reasonable to exercise it.

(6) The cared-for person objects to being represented and supported by an IMCA.

(7) A person is not to be regarded as an “appropriate person” to represent and support the cared-for person in matters connected with this schedule unless—

- (a) they consent to representing and supporting the cared-for person,
- (b) they are not engaged in providing care or treatment for the cared-for person in a professional capacity,
- (c) where the cared-for person is able to express a view about who they would like to represent and support them, the cared-for person agree to being represented and supported by that person,
- (d) where the cared-for person is unable to express a view about who they would like to represent and support them, the responsible body has no reason to believe that the cared-for person would object to being represented and supported by that person,
- (e) they are both willing and able to assist the cared-for person in understanding and exercising the relevant rights under this Schedule, including with the support of an IMCA if appropriate.

(8) The “relevant rights” under this schedule include rights to request a review under Part III of this Schedule, and the right to make an application to the court to exercise its jurisdiction under section 21ZA of this Act.”.—(Barbara Keeley.)

This amendment would broaden the provision of advocacy, ensuring that advocates are provided as a default unless the cared-for person does not want one.

Question put, That the amendment be made.

The House divided: Ayes 249, Noes 300.

Division No. 327]

[6.30 pm

AYES

Abbott, rh Ms Diane	Brabin, Tracy
Abrahams, Debbie	Bradshaw, rh Mr Ben
Ali, Rushanara	Brennan, Kevin
Allin-Khan, Dr Rosena	Brown, Lyn
Amesbury, Mike	Brown, rh Mr Nicholas
Antoniazzi, Tonia	Bryant, Chris
Ashworth, Jonathan	Buck, Ms Karen
Bailey, Mr Adrian	Burden, Richard
Barron, rh Sir Kevin	Burgon, Richard
Beckett, rh Margaret	Butler, Dawn
Benn, rh Hilary	Byrne, rh Liam
Berger, Luciana	Cable, rh Sir Vince
Betts, Mr Clive	Campbell, rh Sir Alan
Blomfield, Paul	Campbell, Mr Ronnie

Carden, Dan
 Carmichael, rh Mr Alistair
 Champion, Sarah
 Chapman, Jenny
 Clwyd, rh Ann
 Coaker, Vernon
 Cooper, Julie
 Cooper, Rosie
 Cooper, rh Yvette
 Coyle, Neil
 Creagh, Mary
 Creasy, Stella
 Cruddas, Jon
 Cryer, John
 Cummins, Judith
 Cunningham, Alex
 Cunningham, Mr Jim
 Daby, Janet
 Dakin, Nic
 David, Wayne
 Davies, Geraint
 De Cordova, Marsha
 De Piero, Gloria
 Debbonaire, Thangam
 Dent Coad, Emma
 Dhesi, Mr Tanmanjeet Singh
 Dodds, Anneliese
 Doughty, Stephen
 Dowd, Peter
 Dromey, Jack
 Duffield, Rosie
 Eagle, Ms Angela
 Eagle, Maria
 Edwards, Jonathan
 Efford, Clive
 Elliott, Julie
 Esterson, Bill
 Evans, Chris
 Farrelly, Paul
 Farron, Tim
 Fitzpatrick, Jim
 Flint, rh Caroline
 Fovargue, Yvonne
 Foxcroft, Vicky
 Frith, James
 Furniss, Gill
 Gaffney, Hugh
 Gapes, Mike
 Gardiner, Barry
 George, Ruth
 Gill, Preet Kaur
 Glindon, Mary
 Godsiff, Mr Roger
 Goodman, Helen
 Green, Kate
 Greenwood, Lilian
 Greenwood, Margaret
 Griffith, Nia
 Grogan, John
 Gwynne, Andrew
 Haigh, Louise
 Hamilton, Fabian
 Hanson, rh David
 Hardy, Emma
 Harman, rh Ms Harriet
 Harris, Carolyn
 Hayes, Helen
 Hayman, Sue
 Healey, rh John
 Hendrick, Sir Mark
 Hepburn, Mr Stephen
 Hermon, Lady

Hill, Mike
 Hillier, Meg
 Hobhouse, Wera
 Hodgson, Mrs Sharon
 Hoey, Kate
 Hollern, Kate
 Howarth, rh Mr George
 Huq, Dr Rupa
 Hussain, Imran
 Jardine, Christine
 Jarvis, Dan
 Johnson, Diana
 Jones, Darren
 Jones, Gerald
 Jones, Graham P.
 Jones, Helen
 Jones, rh Mr Kevan
 Jones, Sarah
 Jones, Susan Elan
 Kane, Mike
 Keeley, Barbara
 Kendall, Liz
 Khan, Afzal
 Killen, Ged
 Kinnock, Stephen
 Kyle, Peter
 Laird, Lesley
 Lake, Ben
 Lamb, rh Norman
 Lammy, rh Mr David
 Lavery, Ian
 Lee, Karen
 Leslie, Mr Chris
 Lewell-Buck, Mrs Emma
 Lewis, Mr Ivan
 Lloyd, Stephen
 Lloyd, Tony
 Long Bailey, Rebecca
 Lucas, Caroline
 Lucas, Ian C.
 Lynch, Holly (*Proxy vote cast by Mark Tami*)
 Madders, Justin
 Mahmood, Mr Khalid
 Mahmood, Shabana
 Malhotra, Seema
 Mann, John
 Marsden, Gordon
 Martin, Sandy
 Maskell, Rachael
 Matheson, Christian
 McCabe, Steve
 McCarthy, Kerry
 McDonald, Andy
 McDonnell, rh John
 McFadden, rh Mr Pat
 McGovern, Alison
 McInnes, Liz
 McKinnell, Catherine
 McMahon, Jim
 McMorris, Anna
 Mearns, Ian
 Miliband, rh Edward
 Moon, Mrs Madeleine
 Moran, Layla
 Morden, Jessica
 Morris, Grahame
 Murray, Ian
 Nandy, Lisa
 Norris, Alex
 Onn, Melanie
 Onwurah, Chi

Osamor, Kate
 Owen, Albert
 Pearce, Teresa
 Pennycook, Matthew
 Perkins, Toby
 Phillips, Jess
 Phillipson, Bridget
 Platt, Jo
 Pollard, Luke
 Pound, Stephen
 Powell, Lucy
 Qureshi, Yasmin
 Rashid, Faisal
 Rayner, Angela
 Reed, Mr Steve
 Rees, Christina
 Reeves, Ellie
 Reeves, Rachel
 Reynolds, Jonathan
 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
 Siddiq, Tulip (*Proxy vote cast by Vicky Foxcroft*)
 Skinner, Mr Dennis
 Slaughter, Andy
 Smeeth, Ruth
 Smith, Angela
 Smith, Cat
 Smith, Eleanor
 Smith, Jeff
 Smith, Laura
 Smith, Nick

Smith, Owen
 Smyth, Karin
 Snell, Gareth
 Sobel, Alex
 Spellar, rh John
 Starmer, rh Keir
 Stevens, Jo
 Stone, Jamie
 Streeting, Wes
 Sweeney, Mr Paul
 Swinson, Jo
 Tami, rh Mark
 Thomas, Gareth
 Thomas-Symonds, Nick
 Thornberry, rh Emily
 Timms, rh Stephen
 Trickett, Jon
 Turley, Anna
 Turner, Karl
 Twigg, Derek
 Twigg, Stephen
 Twist, Liz
 Umunna, Chuka
 Vaz, Valerie
 Walker, Thelma
 Watson, Tom
 West, Catherine
 Western, Matt
 Whitehead, Dr Alan
 Whitfield, Martin
 Williams, Hywel
 Williams, Dr Paul
 Williamson, Chris
 Wilson, Phil
 Woodcock, John
 Yasin, Mohammad
 Zeichner, Daniel

Tellers for the Ayes:
 Stephanie Peacock and
 Colleen Fletcher

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
 Baron, Mr John
 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
 Brady, Sir Graham
 Braverman, Suella
 Brereton, Jack
 Bridgen, Andrew
 Brine, Steve
 Brokenshire, rh James
 Bruce, Fiona
 Buckland, Robert
 Burns, Conor
 Burt, rh Alistair
 Cairns, rh Alun
 Campbell, Mr Gregory
 Cartledge, James
 Caulfield, Maria
 Chalk, Alex
 Chishti, Rehman
 Churchill, Jo
 Clark, rh Greg
 Clarke, rh Mr Kenneth
 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
 Davis, rh Mr David
 Dinenage, 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, rh Mr Philip
 Ellis, Michael
 Ellwood, rh Mr Tobias
 Eulickie, Charlie
 Eustice, George
 Evans, Mr Nigel
 Evennett, rh Sir David
 Fabricant, Michael
 Fallon, rh Sir Michael
 Field, rh Mark
 Ford, Vicky
 Foster, Kevin
 Francois, rh Mr Mark
 Frazer, Lucy
 Freeman, George
 Freer, Mike
 Fysh, Mr Marcus
 Gale, rh Sir Roger
 Garnier, Mark
 Gauke, rh Mr David
 Ghani, Ms Nusrat
 Gibb, rh Nick
 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
 Griffiths, Andrew
 Gyimah, Mr Sam
 Hair, Kirstene
 Halfon, rh Robert
 Hall, Luke
 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
 Heappey, 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
 Jayawardena, Mr Ranil
 Jenkin, Sir Bernard
 Jenkyns, Andrea
 Jenrick, Robert
 Johnson, rh Boris
 Johnson, Dr Caroline
 Johnson, Gareth
 Johnson, Joseph
 Jones, Andrew
 Jones, rh Mr David
 Jones, Mr Marcus
 Kawczynski, Daniel
 Keegan, Gillian
 Kennedy, Seema
 Kerr, Stephen
 Knight, rh Sir Greg
 Knight, Julian
 Kwarteng, Kwasi
 Lamont, John
 Lancaster, rh Mark
 Latham, Mrs Pauline
 Leadsom, rh Andrea
 Lee, Dr Phillip
 Lefroy, Jeremy
 Leigh, rh Sir Edward
 Letwin, rh Sir Oliver
 Lewer, Andrew
 Lewis, rh Brandon
 Lewis, rh Dr Julian
 Liddell-Grainger, Mr Ian
 Little Pengelly, Emma
 Lopez, Julia
 Lopresti, Jack
 Lord, Mr Jonathan
 Mackinlay, Craig
 Maclean, Rachel
 Main, Mrs Anne
 Mak, Alan
 Malthouse, Kit
 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
 Mundell, rh David
 Murray, Mrs Sheryll
 Murrison, Dr Andrew
 Neill, Robert
 Newton, Sarah
 Nokes, rh Caroline
 Norman, Jesse
 O'Brien, Neil
 Offord, Dr Matthew
 Paisley, Ian
 Parish, Neil
 Patel, rh Priti
 Paterson, rh Mr Owen
 Pawsey, Mark
 Penning, rh Sir Mike
 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
 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, Sir Gary
 Stride, rh Mel
 Sturdy, Julian
 Sunak, Rishi
 Swayne, rh Sir Desmond
 Swire, rh Sir Hugo
 Syme, 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
 Williamson, rh Gavin
 Wilson, rh Sammy
 Wollaston, Dr Sarah
 Wood, Mike
 Wragg, Mr William
 Wright, rh Jeremy

Tellers for the Noes:

**Wendy Morton and
 Iain Stewart**

Question accordingly negated.

Amendment made: 47, page 28, line 21, schedule 1, at end insert—

“(1A) And, for the purposes of this Schedule, arrangements which relate to a person are “not in accordance with mental health requirements” if the person is subject to mental health requirements and the arrangements are not in accordance with them.”

This amendment is to make it clear that arrangements can be authorised under the new Schedule AA1 if there are no “mental health requirements” that apply in relation to the person who is to be subject to the arrangements.—(Caroline Dinenage.)

Mr Speaker: Consideration completed. Colleagues, I will now suspend the House for no more than five minutes in order to make a decision about certification. The Division bells will be rung two minutes before the

[Mr Speaker]

House resumes. Following my certification, the Government will table the appropriate consent motion, copies of which will be made available in the Vote Office and will be distributed by Doorkeepers.

6.43 pm

Sitting suspended.

6.47 pm

On resuming—

Mr Speaker: I can now inform the House that I have completed certification of the Bill, as required by the Standing Order. I have confirmed the view expressed in my provisional certificate issued on 11 February. Copies of my final certificate will be made available in the Vote Office and on the parliamentary website.

Under Standing Order No. 83M, a consent motion is therefore required for the Bill to proceed. Copies of the motion are available in the Vote Office and on the parliamentary website and have been made available to Members in the Chamber. Does the Minister intend to move the consent motion?

Caroline Dinenage indicated assent.

The House forthwith resolved itself into the Legislative Grand Committee (England and Wales) (Standing Order No. 83M).

[DAME ELEANOR LAING in the Chair]

6.48 pm

The First Deputy Chairman of Ways and Means (Dame Eleanor Laing): As the knife has fallen, there can be no debate in the Legislative Grand Committee. I remind hon. Members that, if there is a Division on the consent motion, only Members representing constituencies in England and Wales may vote.

Resolved,

That the Committee consents to the Mental Capacity (Amendment) Bill [Lords] as amended in the Public Bill Committee and on Report.—(Caroline Dinenage.)

The occupant of the Chair left the Chair to report the decision of the Committee (Standing Order No. 83M(6)).

The Speaker resumed the Chair; decision reported.

Third Reading

6.50 pm

Caroline Dinenage: I beg to move, That the Bill be now read the Third time.

Our liberty is the most fundamental of our human rights. By passing this Bill, we can be proud that we have helped to promote the human rights of our country's most vulnerable people and increased access to protections for the 125,000 individuals who are being deprived of their liberty and are not receiving the safeguards they deserve. That means 125,000 people whose families do not have the peace of mind that their loved ones are being protected, and 125,000 care providers who do not have the requisite legal protection.

Members of both Houses have contributed to the discussions and debates on this Bill, for which I am extremely grateful. We have made changes in both Houses to ensure that the liberty protection safeguards

system introduced by the Bill does everything possible to protect human rights—to give a voice to the person and those close to them—while also ensuring that the system is targeted and not cumbersome to people, their families and our health and care sector. I committed from the outset that we would collaborate on this Bill, listen and take on board all the ideas and feelings of stakeholders and Members from both Houses, and many of the amendments we have put forward today are exactly in that collaborative spirit.

Dr Poulter: I thank my hon. Friend for the conciliatory way in which she has gone about dealing with this Bill, engaging with colleagues on both sides of the Houses, and putting forward some good and sound amendments to get the Bill to a better place. However, on the issue of funding, which was raised during the debate earlier, if we are going to make social care legislation or legislation of this sort appropriate and have the right safeguards in place, we need local authorities to have a better funding settlement. Is that something she can take away and raise with the Secretary of State for Housing, Communities and Local Government?

Caroline Dinenage: My hon. Friend raises a very important point. I am grateful to him for all his feedback on this Bill, because it is very helpful to be able to speak to somebody from a medical background to understand how such a Bill will work in practice at the sharp end. We have given councils access to £10 billion over this three-year period, which just shows the scale of the issues we are facing in adult social care. The Green Paper that will be published shortly will go further in setting out the long-term sustainability of the sector.

As we have heard today, there is no question but that the current DoLS system is failing. In 2014, a House of Lords Committee identified the system as being complex and bureaucratic, and since then the situation has only got worse. An increased number of cases means that local authorities are unable to process all the applications. With more than 48,000 people now waiting over a year, we cannot risk people being subject to overly restrictive health and care practices. This new system will enable quicker access to safeguards, meaning that we can ensure less restrictive practices are being used.

The Government tasked the Law Commission with reviewing the DoLS system and recommending improvements. After more than three years of careful work and consultation, it published its report, which stated the urgent need for reform. That was followed by a report from the Joint Committee on Human Rights, which also recommended having a more targeted system by focusing resources on those who are the most vulnerable or those who have the most complex circumstances, and on cases where objections have been raised. Coupled with this, we have ensured robust safeguards in the system, including independent review and oversight, alongside access to representation and support.

I am grateful to all our partners who have worked with us on this Bill. The input of third sector groups, those who work in the health and care sector and of course those who receive safeguards themselves has all helped to shape our Bill for the better. The Law Commission was absolutely right when it said that DoLS needed to be replaced as a matter of urgency, and that is why we have brought this legislation forward now. We cannot

continue with the current system. We are proud to bring forward the Law Commission's recommendations in this Bill, and we are proud to reform the system and introduce a less bureaucratic, more personalised approach that will work better for people, their families and professionals. I commend this Bill to the House.

6.54 pm

Barbara Keeley: It is appalling that we should have had less than two hours for Report stage of a Bill affecting the human rights of some 2 million vulnerable people who lack capacity—and we had less than two hours for Second Reading. Given that there is no appreciable business to occupy ourselves with next week, it is ludicrous that the Government should have forced the Bill through today.

The Bill that we are being asked to pass today is simply not fit for purpose; it simply replaces the current flawed system, which the Minister has just described, with a new one that is actually more flawed. There are a number of issues that we still consider unacceptable. The largest is that the Bill still creates a major conflict of interest in relation to the managers of private care homes. It is simply wrong that a business with a financial stake in seeing a deprivation of liberty authorisation granted can do all the legwork and then just have its recommendation rubber-stamped by the local council.

I hope that care home managers will seek to carry out their new role well, but we know that they are already overstretched. The Bill creates extra pressures.

Norman Lamb: Does the shadow Minister share my confusion and concern that the Mental Health Act review, which the Government commissioned, appears to be moving in one direction—strengthening the rights of individuals—while this Bill appears to be moving in precisely the opposite direction?

Barbara Keeley: That is very much the case. We asked on Second Reading for some consideration of the interface between the two.

As well as the issue of care home managers, there is a real concern about the restrictions on access to advocacy under the Bill. Advocacy is a fundamental pillar of any system for authorising deprivation of liberty. The Bill means that vulnerable people who need an advocate may not get one, and amendments that could have changed that have been rejected. The use of a best interest test to decide whether someone gets an advocate has been widely criticised. The Government could and should have removed the reliance on the best interest test.

The maximum renewal period of a deprivation of liberty authorisation is tripled by the Bill. As the right hon. Member for North Norfolk (Norman Lamb) said, the Mental Health Act review is moving in one way while this Bill moves in another. The Bill could see people being detained for three years at a time without a full reconsideration of their case. The only safeguard against that being misused is a series of regular reviews, but we do not know how regular those will be or what they will look like.

In Committee, the Government introduced a new definition of deprivation of liberty to the Bill. It is woefully inadequate and will inevitably result in costly litigation. The Government introduced the definition

late on, with next to no consultation. The clashes between that definition and existing case law will lead to court challenges. The definition will see some people deprived of their liberty without the safeguards they need, while the issue is sorted out in the courts.

The process that the Bill has been through could be used as a case study of how not to make legislation.

Alex Cunningham: Will my hon. Friend give way?

Barbara Keeley: I do not have time, I am afraid.

The Government have consistently tried to push the Bill through as fast as they can, with minimal consultation. It should be clear that stakeholders are united in thinking this a poor piece of legislation, and on many issues the Government have failed to address their concerns. On Second Reading in the House of Lords we heard the Bill described by Baroness Barker as

“one of the worst pieces of legislation ever brought before this House.”—[*Official Report, House of Lords*, 11 December 2018; Vol. 794, c. 1247.]

The Bill may have improved slightly, but there has been too little progress for us to support its becoming law. It would enshrine a fundamental conflict of interest and weaken the current safeguards of people without capacity.

It was clear from the start that the Bill was intended to shift the costs of authorising deprivation of liberty away from the state and on to private providers. This matter is too important for us to pass a Bill that we know will not work properly simply because Government budget cuts have created a problem. The Government chose to continue to cut local council budgets; as a result of that lack of resourcing, tens of thousands of people are being deprived of their liberty without authorisation. Letting the backlog build up was a political choice, but this Bill is not a solution. It will not adequately protect people's human rights, and replacing one bad system with another will not be progress. If the Government were serious about protecting people's liberty, Ministers would have paused the Bill, which we called on them again today to do, and given local authorities the resources they need to address the backlog. They could then have given this matter the time, consultation and consideration it needs before beginning a new Bill that does not weaken the protections that vulnerable people rely on.

I thank members of the Public Bill Committee, our excellent Whip, all the hon. Members who contributed to this shortened debate tonight and, particularly, the Clerk to the Committee. I urge right hon. and hon. Members to join us in voting against this flawed piece of proposed legislation that undermines the human rights of vulnerable people who lack capacity.

Question put, That the Bill be now read the Third time.

The House divided: Ayes 299, Noes 241.

Division No. 328]

[7 pm

AYES

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
Baron, Mr John
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
 Brady, Sir Graham
 Braverman, Suella
 Brereton, Jack
 Bridgen, Andrew
 Brine, Steve
 Brokenshire, rh James
 Bruce, Fiona
 Buckland, Robert
 Burns, Conor
 Burt, rh Alistair
 Cairns, rh Alun
 Campbell, Mr Gregory
 Cartledge, James
 Cash, Sir William
 Caulfield, Maria
 Chalk, Alex
 Chisht, Rehman
 Churchill, Jo
 Clark, rh Greg
 Cleverly, James
 Clifton-Brown, Sir Geoffrey
 Coffey, Ann
 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
 Davis, rh Mr David
 Dinéage, 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, rh Mr Philip
 Ellis, Michael
 Ellwood, rh Mr Tobias
 Elphicke, Charlie
 Eustice, George
 Evans, Mr Nigel
 Evannett, rh Sir David
 Fabricant, Michael
 Fallon, rh Sir Michael
 Field, rh Mark
 Ford, Vicky
 Foster, Kevin
 Francois, rh Mr Mark
 Frazer, Lucy

Freeman, George
 Freer, Mike
 Fysh, Mr Marcus
 Gale, rh Sir Roger
 Garnier, Mark
 Gauke, rh Mr David
 Ghani, Ms Nusrat
 Gibb, rh Nick
 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
 Griffiths, Andrew
 Gyimah, Mr Sam
 Hair, Kirstene
 Halfon, rh Robert
 Hall, Luke
 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
 Heappey, 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
 Jayawardena, Mr Ranil
 Jenkin, Sir Bernard
 Jenkyns, Andrea
 Jenrick, Robert
 Johnson, rh Boris
 Johnson, Dr Caroline
 Johnson, Gareth
 Johnson, Joseph
 Jones, Andrew
 Jones, rh Mr David
 Jones, Mr Marcus
 Kawczynski, Daniel
 Keegan, Gillian
 Kennedy, Seema
 Kerr, Stephen
 Knight, rh Sir Greg
 Knight, Julian

Kwarteng, Kwasi
 Lamont, John
 Lancaster, rh Mark
 Latham, Mrs Pauline
 Leadsom, rh Andrea
 Lee, Dr Phillip
 Lefroy, Jeremy
 Leigh, rh Sir Edward
 Letwin, rh Sir Oliver
 Lewer, Andrew
 Lewis, rh Brandon
 Lewis, rh Dr Julian
 Liddell-Grainger, Mr Ian
 Little Pengelly, Emma
 Lopez, Julia
 Lopresti, Jack
 Lord, Mr Jonathan
 Mackinlay, Craig
 Maclean, Rachel
 Main, Mrs Anne
 Mak, Alan
 Malthouse, Kit
 Mann, Scott
 Masterton, Paul
 Maynard, Paul
 McLoughlin, rh Sir Patrick
 McPartland, Stephen
 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
 Mundell, rh David
 Murray, Mrs Sheryll
 Murrison, Dr Andrew
 Neill, Robert
 Newton, Sarah
 Nokes, rh Caroline
 Norman, Jesse
 O'Brien, Neil
 Offord, Dr Matthew
 Paisley, Ian
 Patel, rh Priti
 Paterson, rh Mr Owen
 Pawsey, Mark
 Penning, rh Sir Mike
 Penrose, John
 Percy, Andrew
 Perry, rh Claire
 Philp, Chris
 Pincher, rh Christopher
 Poulter, Dr Dan
 Pow, Rebecca
 Prentis, Victoria
 Prisk, Mr Mark
 Purslove, 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
 Simpson, David
 Simpson, rh Mr Keith
 Skidmore, Chris
 Smith, Angela
 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, Sir Gary
 Stride, rh Mel
 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
 Williamson, rh Gavin
 Wollaston, Dr Sarah
 Wood, Mike
 Wragg, Mr William
 Wright, rh Jeremy

Tellers for the Ayes:

Wendy Morton and
 Iain Stewart

NOES

Abbott, rh Ms Diane
Abrahams, Debbie
Ali, Rushanara
Allin-Khan, Dr Rosena
Amesbury, Mike
Antoniazzi, Tonia
Ashworth, Jonathan
Bailey, Mr Adrian
Barron, rh Sir Kevin
Beckett, rh Margaret
Benn, rh Hilary
Berger, Luciana
Blomfield, Paul
Brabin, Tracy
Bradshaw, rh Mr Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Richard
Butler, Dawn
Byrne, rh Liam
Cable, rh Sir Vince
Campbell, rh Sir Alan
Campbell, Mr Ronnie
Carden, Dan
Carmichael, rh Mr Alistair
Champion, Sarah
Chapman, Jenny
Clwyd, rh Ann
Coaker, Vernon
Cooper, Julie
Cooper, Rosie
Cooper, rh Yvette
Coyle, Neil
Creagh, Mary
Creasy, Stella
Cruddas, Jon
Cryer, John
Cummins, Judith
Cunningham, Alex
Cunningham, Mr Jim
Daby, Janet
Dakin, Nic
David, Wayne
Davies, Geraint
De Cordova, Marsha
De Piero, Gloria
Debbonaire, Thangam
Dent Coad, Emma
Dhesi, Mr Tanmanjeet Singh
Dodds, Anneliese
Doughty, Stephen
Dowd, Peter
Dromey, Jack
Duffield, Rosie
Eagle, Maria
Edwards, Jonathan
Efford, Clive
Elliott, Julie
Esterson, Bill
Evans, Chris
Farrelly, Paul
Farron, Tim
Fitzpatrick, Jim
Flint, rh Caroline
Fovargue, Yvonne
Foxcroft, Vicky
Frith, James
Furniss, Gill
Gaffney, Hugh
Gapes, Mike
George, Ruth
Gill, Preet Kaur
Glindon, Mary
Godsiff, Mr Roger
Goodman, Helen
Green, Kate
Greenwood, Lilian
Greenwood, Margaret
Griffith, Nia
Grogan, John
Gwynne, Andrew
Haigh, Louise
Hamilton, Fabian
Hanson, rh David
Hardy, Emma
Harman, rh Ms Harriet
Harris, Carolyn
Hayes, Helen
Hayman, Sue
Healey, rh John
Hendrick, Sir Mark
Hepburn, Mr Stephen
Hermon, Lady
Hill, Mike
Hillier, Meg
Hobhouse, Wera
Hodgson, Mrs Sharon
Hoey, Kate
Hollern, Kate
Howarth, rh Mr George
Huq, Dr Rupa
Hussain, Imran
Jardine, Christine
Jarvis, Dan
Johnson, Diana
Jones, Darren
Jones, Gerald
Jones, Graham P.
Jones, Helen
Jones, rh Mr Kevan
Jones, Sarah
Jones, Susan Elan
Kane, Mike
Keeley, Barbara
Kendall, Liz
Khan, Afzal
Killen, Ged
Kinnoch, Stephen
Kyle, Peter
Laird, Lesley
Lake, Ben
Lamb, rh Norman
Lammy, rh Mr David
Lavery, Ian
Lee, Karen
Leslie, Mr Chris
Lewell-Buck, Mrs Emma
Lewis, Mr Ivan
Lloyd, Tony
Long Bailey, Rebecca
Lucas, Caroline
Lucas, Ian C.
Lynch, Holly (*Proxy vote cast by Mark Tami*)
Madders, Justin
Mahmood, Mr Khalid
Mahmood, Shabana
Malhotra, Seema

Mann, John
Marsden, Gordon
Martin, Sandy
Maskell, Rachael
Matheson, Christian
McCabe, Steve
McCarthy, Kerry
McDonald, Andy
McDonnell, rh John
McFadden, rh Mr Pat
McGovern, Alison
McInnes, Liz
McKinnell, Catherine
McMahon, Jim
McMorrin, Anna
Mearns, Ian
Miliband, rh Edward
Moon, Mrs Madeleine
Moran, Layla
Morden, Jessica
Morris, Grahame
Murray, Ian
Nandy, Lisa
Norris, Alex
Onn, Melanie
Onwurah, Chi
Osamor, Kate
Owen, Albert
Pearce, Teresa
Pennycook, Matthew
Perkins, Toby
Phillips, Jess
Phillipson, Bridget
Platt, Jo
Pollard, Luke
Pound, Stephen
Powell, Lucy
Qureshi, Yasmin
Rashid, Faisal
Rayner, Angela
Reed, Mr Steve
Rees, Christina
Reeves, Ellie
Reeves, Rachel
Reynolds, Jonathan
Rimmer, Ms Marie
Rodda, Matt
Rowley, Danielle
Ruane, Chris
Russell-Moyle, Lloyd
Saville Roberts, Liz
Shah, Naz
Sharma, Mr Virendra

Sheerman, Mr Barry
Sherriff, Paula
Shuker, Mr Gavin
Siddiq, Tulip (*Proxy vote cast by Vicky Foxcroft*)
Skinner, Mr Dennis
Smeeth, Ruth
Smith, Cat
Smith, Eleanor
Smith, Jeff
Smith, Laura
Smith, Nick
Smith, Owen
Smyth, Karin
Snell, Gareth
Sobel, Alex
Spellar, rh John
Starmer, rh Keir
Stevens, Jo
Stone, Jamie
Streeting, Wes
Sweeney, Mr Paul
Swinson, Jo
Tami, rh Mark
Thomas, Gareth
Thomas-Symonds, Nick
Thornberry, rh Emily
Timms, rh Stephen
Trickett, Jon
Turley, Anna
Turner, Karl
Twigg, Derek
Twigg, Stephen
Twist, Liz
Umunna, Chuka
Vaz, Valerie
Walker, Thelma
Watson, Tom
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 Noes:
Stephanie Peacock and
Colleen Fletcher

Question accordingly agreed to.

Bill read the Third time and passed, with amendments.

Business Without Debate

DELEGATED LEGISLATION

Mr Speaker: With the leave of the House, we shall take motions 4 to 10 together.

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

EXITING THE EUROPEAN UNION (ANIMALS)

That the draft Farriers and Animal Health (Amendment) (EU Exit) Regulations 2019, which were laid before this House on 13 December 2018, be approved.

That the draft Veterinary Surgeons and Animal Welfare (Amendment) (EU Exit) Regulations 2019, which were laid before this House on 13 December 2018, be approved.

EXITING THE EUROPEAN UNION (PUBLIC PROCUREMENT)

That the draft Defence and Security Public Contracts (Amendment) (EU Exit) Regulations 2019, which were laid before this House on 13 December 2018, be approved.

REPRESENTATION OF THE PEOPLE

That the draft Representation of the People (Election Expenses Exclusion) (Amendment) Order 2019, which was laid before this House on 17 December 2018, be approved.

LOCAL GOVERNMENT

That the draft Combined Authorities (Mayoral Elections) (Amendment) Order 2019, which was laid before this House on 12 December 2018, be approved.

That the draft Local Authorities (Mayoral Elections) (England and Wales) (Amendment) (England) Regulations 2019, which were laid before this House on 12 December 2018, be approved.

EXITING THE EUROPEAN UNION (ENERGY CONSERVATION)

That the draft Ecodesign for Energy-Related Products and Energy Information (Amendment) (EU Exit) Regulations 2019, which were laid before this House on 19 December 2018, be approved.—(*Jeremy Quin.*)

Question agreed to.

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

EXITING THE EUROPEAN UNION (INTELLECTUAL PROPERTY)

That the draft Intellectual Property (Copyright and Related Rights) (Amendment) (EU Exit) Regulations 2018, which were laid before this House on 19 December 2018, be approved.—(*Jeremy Quin.*)

The Speaker's opinion as to the decision of the Question being challenged, the Division was deferred until Wednesday 13 February (Standing Order No. 41A).

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

NORTHERN IRELAND

That the draft Northern Ireland (Ministerial Appointment Functions) Regulations 2019, which were laid before this House on 9 January, be approved.—(*Jeremy Quin.*)

Question agreed to.

Mr Speaker: I propose, with the leave of the House, to take motions 14 and 15 together.

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

SOCIAL SECURITY

That the draft Social Security (Contributions) (Rates, Limits and Thresholds Amendments and National Insurance Funds Payments) Regulations 2019, which were laid before this House on 16 January, be approved.

That the draft Tax Credits and Guardian's Allowance Up-rating Regulations 2019, which were laid before this House on 16 January, be approved.—(*Jeremy Quin.*)

Question agreed to.

PETITIONS

Roadside littering from vehicles

7.14 pm

John Mc Nally (Falkirk) (SNP): This is no nostrum of an idea. The petitioners are supported by notable local organisations: Denny & Dunipace Heritage Society, the Communities Along the Carron Association, Community Green Initiative, and Forth Environment Link.

The petition of the residents of Falkirk constituencies

Declares that roadside litter discarded from moving vehicles is an unacceptable blight in our communities and increases risk to other motorists and costs to local authorities and private business; further that it causes flooding in drainage infrastructure, causes disruption to normal traffic flow and is a national embarrassment, specifically to the tourist industry; and further that it contradicts the sustainable, renewable and green ambitions the communities of Falkirk desire.

The petitioners therefore request that the House of Commons urges the Department for Transport to instruct the Driver and Vehicle Licensing Agency (DVLA) to issue penalty points on the driving licenses of individuals who allow litter to be thrown from their vehicle.

And the petitioners remain, etc.

[P002310]

Community Energy Savings Programme: Lowestoft

Peter Aldous (Waveney) (Con): I rise to present a petition on behalf of 65 residents and homeowners. It relates to the poor quality of insulation work carried out in properties in Lowestoft by Mitie Property Services as part of a Government-backed community energy savings programme, which is causing considerable personal distress and is having a negative impact on the value and saleability of dwellings.

The petition states, "The petitioners therefore request that the House of Commons urges the Government to set up a means whereby each house be assessed by an external specialist ECO assessor and we obtain redress for our individual issues, compensation for financial losses and have assurance our homes can be insured without penalties."

Following is the full text of the petition:

[The petition of residents of Lowestoft, Suffolk,

Declares that the Community Energy Savings Programme is causing us significant suffering: accruing detriments to our finances, health and wellbeing, and private and family lives; further that residents of Lowestoft particular grievance is with the standard of external wall insulation installed to certain properties as part of the Community Energy Saving Programme 2009 - 2012 (CESP); further that the CESP was a Government policy, set down in legislation, designed to improve domestic energy efficiency standards in the most deprived geographical areas across Great Britain; further notes that many vulnerable residents are having to live with the impact on our homes from the premature deterioration of the very poor installations; further notes that there is no evidence of appropriate training certification for the external wall cladding insulation and thus many residents are unable to obtain a valid guarantee/warranty which has affected the value of our homes and at worst has meant homes cannot be sold; further that the GCS Chartered Surveyors who were instructed to comment on the standard and workmanship

of the external wall insulation have concluded that the external wall insulations do not meet system designer and BBA specification; further that the GCS Chartered Surveyors found the insulations were installed by MITIE Property Services who did not have approvals in place to install the system at the time; further that many partners are responsible for the failure of this programme including: MITIE Property Services, The Bright Green Lowestoft Organization, Waveney District Council, Suffolk Climate Change Partnership, Climate Energy Limited and npower; further that whilst the project was delivered by a number of partners the main contractors, MITIE, have overall responsibility for ensuring the installation is compliant to the system designer's specifications; and further that the installations were found to fall fault of numerous problems including: incorrect sealing, missing trims, faulty cladding and poor rendering.

The petitioners therefore request that the House of Commons to set up a means whereby each house be assessed by an external specialist ECO assessor and obtain redress for their individual issues, compensation for financial losses and have assurance our homes can be insured without penalties.

And the petitioners remain, etc.]

[P002418]

Closure of York's Crown Post Office

Rachael Maskell (York Central) (Lab/Co-op): I rise to present a petition on behalf of 1,816 residents of York and a further 1,278 who engaged through online and other petitions: a total of 3,094 residents who, alongside city businesses, opposed a proposal to move York's Crown post office from Lendal, where it has been located since 1884, to the back of WHSmith in Coney Street, which is inaccessible to many disabled people. The move will be seriously detrimental to my city.

The petition states:

The petitioners therefore request that the House of Commons urges the Government to put an immediate stop to this franchising plan, and to work with stakeholders, including the CWU, to develop a new strategy that sees the Post Office at Lendal safeguarded for the future and retained in public ownership.

And the petitioners remain, etc.

Following is the full text of the petition:

[The petition of residents of the United Kingdom,

Declares that the plans to close York's Crown Post Office and open a franchise in WHSmith are not supported by the people of York, will put the jobs of well trained and efficient staff at risk and will have a detrimental impact on local retailers and our city centre business community; further that the Crown Post Office was built in 1884 and is one of the last surviving late-Victorian purpose-built post offices still in use; notes this is one of 74 Crown Post offices scheduled by Post Office Ltd to be

franchised to WHSmith which CWU estimate will cost £30m in staff compensation alone and will see 800 jobs put at risk and yet the public have not been consulted on this privatisation; further that the Crown Post Office plays a major role in drawing people into the city centre and this change will add to existing pressures on the city centre; further that there are concerns about the sustainability of the store which is located on Coney Street that has seen foot falls drop by 15% over the past 2 years; further notes that research by Citizens Advice in 2016 shows that WHSmith franchises result in longer queueing times, inferior service and advice; further that deep concern about the valued staff whose jobs are at risk and face a future of employment with a company that is closing stores and relies on a business model of low pay and part-time employment; and further notes an uncertain future for a very important war memorial which will be relocated if these plans go ahead.

The petitioners therefore request that the House of Commons urges the Government to put an immediate stop to this franchising plan, and to work with stakeholders, including the CWU, to develop a new strategy that sees the Post Office at Lendal safeguarded for the future and retained in public ownership.

And the petitioners remain, etc.]

[P002419]

The future of maintained nursery schools

Chris Williamson (Derby North) (Lab): I rise to present three petitions on behalf of parents, carers, staff and governors of nursery schools in Derby. The maintained nursery sector is the jewel in the crown of the early years but is facing an uncertain future as a result of Government policy.

The first petition states:

The petition of The parents, carers, staff and governors of Whitecross maintained nursery school in Derby City.

Declares that we are concerned about the future of maintained nursery schools in England after March 2020 as no guarantee has been given by government that adequate funding will continue when supplementary funding ends.

The petitions therefore request the House of Commons to urge the Government to take action to ensure maintained nursery schools are financial sustainable for the future.

And the petitioners remain, etc.

[P002421]

The other petitions are:

The petition of parents, carers, staff and governors of Central Community maintained nursery school in Derby.

[P002422]

The petition of the parents, carers, staff and governors of Ashgate maintained nursery school in Derby.

[P002423]

Licensing of Medical Devices

Motion made, and Question proposed, That this House do now adjourn.—(Mr Goodwill.)

7.20 pm

Owen Smith (Pontypridd) (Lab): I rise to talk this evening about medical devices and the way in which they are licensed and regulated. They are a very important and growing part of medicine, and they can save and transform lives—indeed they have done for millions of patients over many generations. However, when faulty or poorly designed or poorly looked into and proven, they have also damaged, and indeed ended, the lives of many thousands of patients around the world. My principal point is that the regulatory system for medical devices in our country, and across Europe and arguably the wider world, is simply not fit for purpose and must be properly reformed.

The term “medical devices” is rather vague. It refers to everything from bandages to syringes through to heart pacemakers and artificial joints, and I want to be clear that what I am talking about is the more complex end of the spectrum: the more high-risk, class III as they are called, implantable devices.

Mark Tami (Alyn and Deeside) (Lab): I want to put on record my thanks for all the work my hon. Friend has done on mesh. Does he agree that we must be careful that what might appear to be a relatively cheap quick fix can turn out to be a massive problem for a lot of patients?

Owen Smith: I thank my hon. Friend for his thanks, and I will talk about mesh shortly as it is illustrative of the wider problem.

The problem is best summed up not in my words but those of the Royal College of Surgeons, which said at the tail end of last year, in response to a big journalistic investigation, that we need to see in our country urgent and drastic regulatory reform and in particular that we need to start with the creation of a compulsory register for all new devices and implants that go into patients in the UK. Will the Minister commit to that?

Let me give a couple of examples of what I am talking about. Last year alone in the UK surgeons operated on patients for 80,000 knee joints, 60,000 hip replacements, 50,000 pacemakers and 7,000 usages of surgical vaginal mesh, down from its height in 2008 when there were 14,000 instances of surgical vaginal mesh inserted into women. Let me pause for a moment to talk about that example of vaginal mesh and why its use has declined so precipitously. The answer lies in what I am talking about—in the development and marketing, and the fact that, as with so many of these devices, their true safety and efficacy is only revealed in the real world once they have been implanted into patients, and sometimes after many years. Many of the variants of vaginal mesh, like most of the other devices now on the market, are developed without any real clinical trials, and certainly without the randomised controlled clinical trials we are familiar with in respect of medicines; that is an extraordinary fact. We understand why that is the case, but there are other ways in which the device manufacturers could ensure their devices were safer and definitely not going to harm patients.

Paul Masterton (East Renfrewshire) (Con): I pay tribute to the hon. Gentleman for the work he does as chair of the all-party group on surgical mesh implants. He will be aware that when the Medicines and Healthcare Products Regulatory Agency appeared before the Public Petitions Committee in the Scottish Parliament it admitted that its verification process for use of mesh implants amounted effectively to a two-week desktop exercise carried out by three people at a cost of £20,000. Does he agree that that example fundamentally shows that the way the MHRA is reviewing these devices is not fit for purpose, is completely inadequate and, as we know from the work of the APPG, puts patients, and in the case of mesh implants lots of women across the UK, at risk?

Owen Smith: The hon. Gentleman, who has also done excellent work on mesh as co-chair of the group, is completely right.

Our regulatory system for these devices, including mesh, is more akin to the system that applies to toasters or plugs, and the way in which they get kitemarks, than to the way in which medicines are approved. It is so problematic that, last year, the journalist I was talking about applied to get a kitemark—known as a CE mark—for surgical mesh. However, the item in question was a bag that had previously been used to keep oranges in, but they still succeeded in getting a CE mark for it. It obviously was not put into a woman, but real mesh has been and is being put into thousands of women all over the world, including those suffering from organ prolapse and stress urinary incontinence. The real impact of the mesh has been revealed in the chronic pain, disability and even death suffered by many women as a result of the mesh warping, breaking, morphing, changing its constitution and cutting into organs inside the body. This was revealed only after years of sales.

Mr Paul Sweeney (Glasgow North East) (Lab/Co-op): My hon. Friend is making a powerful speech about the devastating impact that mesh has had on women. I discovered the real impact of it when a constituent came to visit me on Friday. Wendy talked about the impact that it had had on her life. She said that she had been concerned about the mesh and had discussed it with her surgeon, who had insisted that it was not mesh but tape. She was therefore misled by a medical professional. Does my hon. Friend agree that that is another worrying aspect of how these medical devices are being marketed and communicated to patients?

Owen Smith: Yes, I absolutely agree. There are many instances of similar mis-selling of these products to women. We need to examine the relationship between the doctors who are selling or marketing these products to their patients and the companies that develop them. Some have an interest in those companies, and others are getting a money benefit through doing this in the private sector. All these things desperately need to be looked at.

The terrible truth is that the surgical mesh scandal that is unfolding is just one of the scandals relating to medical devices. We had the metal-on-metal hip joint scandal, with metallosis poisoning people's bodies. We had the scandal of textured PIP breast implants poisoning women's bodies. Those implants are now connected

with increased incidences of cancer. We had spine-straightening devices for children that were only ever tested on corpses. We had pacemakers such as the Nanostim, which was designed to sit inside the heart and work for up to 19 years. It has now been removed from the market because the batteries started to break down and cease to work and, worse, it was giving people electric shocks. The devices are now being cut out of people. Between 2015 and 2018, UK regulators alone received reports of 64,000 adverse events involving medical devices. A third of those incidents resulted in serious medical repercussions for patients, and 1,004 resulted in death.

Ann Clwyd (Cynon Valley) (Lab): I would like to pay tribute to the tremendous work that my hon. Friend has done on mesh. Quite a number of people in my constituency have suffered as a result of the use of mesh, and they are extremely grateful for the work that he has been doing. About 20 years ago, we had the scandal of silicone implants, and someone in my constituency had a double mastectomy because the silicone had leaked inside her body. These problems are still happening. We set up a register, but suddenly the register disappeared. I am glad that my hon. Friend has made a point about the register and asked for the Minister's commitment on this.

Owen Smith: I am grateful to my right hon. Friend for her kind words. She is completely right to say that there are devices on the market here and across the world that are still causing grave medical problems for patients. The question we have to ask is: how did these things get on to the market in the first place? How have we got so many of these devices that are causing such significant problems? The common problem that unites mesh with all the other device scandals in our country and across the globe is the weakness of the regulatory system in the UK, in the EU and, to a lesser extent, in America, where the pathway for testing approval, marketing and surveillance of such devices just is not good enough.

How does the system work? It will shock people to hear that we do not have a central body that is responsible for checking out, authorising and licensing devices in the same way as for medicines. If a company in the UK wants to create a new prosthetic hip joint, it does so and then it shops around among a group of what are called notified bodies. These are effectively commercial organisations that are in turn licensed by the MHRA to be a body that checks safety and efficacy through the clinical data provided by the companies and then gives them their *conformité Européenne*—their EU kitemark. Once a company has received that mark, the device can be sold all across the EU.

Companies do not need clinical trial data in order to substantiate their claims that devices are efficacious and safe. Quite often—this is true of a remarkable proportion of the devices on the market—they do not even have to undertake first-hand clinical evaluations themselves and can rely on being follow-on products that go through a regulatory pathway that is termed as being “substantially equivalent” to the products that have gone before. For instance, there are examples of mesh on the market now that are the 61st iteration of an original licensed mesh that is no longer on the market because it was proven to be dangerous. There is no real mandatory post-marketing surveillance of these devices.

Given that the difficulty of randomised control trials versus placebo for a device—someone cannot put a wooden heart into one patient and a pacemaker into another in order to see which one works—means that there will be a degree of risk in testing such things in the real world, one would think that we would have a system that would test how devices are doing in the real world and get companies or the Government to monitor them, but we do not, which is in stark contrast to the regime for medicines. Changes are coming into effect, however. A new medical devices regulation was launched across the EU in 2017 and will come into effect in May 2020. It was introduced with the acknowledgement of many of the problems that I have highlighted.

Jim Shannon (Strangford) (DUP): I congratulate the hon. Gentleman on securing this debate on an issue that is important to many of us. With the EU's new medical device rules coming into place in May 2020, as he says, does he agree that the number of available notified bodies is already diminishing? The Government must be aware of that and must work to find a way to secure acceptance of UK notified bodies as part of any arrangement, allowing for the smooth transition of notified bodies and product certification.

Owen Smith: I agree in part with the hon. Gentleman. One thing that I did not say earlier is that there are 50 notified bodies across the EU, so if a company goes with its new artificial hip to one body and says, “Will you approve this for my CE mark, because I would like to sell it in the EU?” and the body says no, because it does not think the data is good enough, all the company has to do is go to the next notified body, and if it says no, the company can go to the one after that, and if the third body says no, the company can go to the fourth one. Neither any of the notified bodies nor the manufacturer are under any obligation to disclose that the device had been turned down earlier. I agree that fewer notified bodies would be a good thing, but there are big questions for us in the UK because we will have no notified bodies once we have left the EU.

There are other problems with the new directive, which is a strengthening of the regulations, but it is not strong enough. For example, it now says that companies should summarise their clinical trials data, that they should take clinical data that is, if possible, sourced from clinical investigations carried out under the responsibility of a sponsor—meaning something more akin to randomised control clinical trials—and that they should ordinarily have a quality management system and a post-market surveillance system that should be proportionate to the risk class of the device in question. However, the point is that none of those things is mandatory.

There is no mandatory requirement to conduct proper trials or to max out the tests that are done. There is no mandatory requirement to publish data. There is no mandatory requirement to publish all data, including negative data. There is nothing to stop the companies continuing to conceal data, or shopping around between different notified bodies, and there is nothing to stop the companies doing the bare minimum on surveying how their product is doing in the marketplace. The directive is a strengthening but, unfortunately, it is not the strengthening we need.

[Owen Smith]

If we leave the EU, the directive will not necessarily apply in all regards in the UK. The Government have tried to respond to the concern voiced by others before me by saying that they will effectively apply the regulation in future, but that would bring difficulties in and of itself. As I said, we would effectively be accepting products that are kitemarked and approved elsewhere in Europe, and not by our own notified bodies, because we will not be part of that system any longer. I assume we will be using the European database on medical devices, which is designed to work right across Europe, but we will not be part of the expert panels that reflect on the findings reviewed through that database.

Crucially, I assume that the MHRA will be filling some of those gaps. It will already have an almighty job on its hands in trying to fill the gap on medicines once we are outwith the purview of the European Medicines Agency. I fear that devices will once again be the Cinderella of the medical game. We did not have regulations for devices at all before 1990, and we may find that we are playing catch up with the European Union in future.

Whichever way Brexit turns out, and in reflecting on the flaws in the regulatory system I have highlighted, I ask the Minister, first, to try to get the MHRA, or whatever replaces our current regulatory pathway, to go back to the first principles of protecting patient safety at all times. There is too much talk in Europe of maintaining our advantage over other markets as an early adopter of innovation. Well, early adoption can go wrong if the innovation has not been adequately tested, and mesh is a great example.

Secondly, will the Minister do what the Royal College of Surgeons has asked her and the Government to do and set up a national registry of all “first implanted into a man or woman” devices—the innovations—so that we can track what happens with those devices, as we should have been able to do with mesh? Thirdly, will the Minister make sure that whatever system we have imposes much more stringent obligations on companies to undertake the most rigorous tests in respect of such medicines? In any new system, we should rule out anything like the substantial equivalence model that has been deployed in Europe for so long. It seems crackers to have a system that is basically a paper-based exercise without any real-world tests.

Lastly, I would like our Government to follow the example of the Australian Government, where the Minister’s counterpart, Greg Hunt, issued a national apology to the many women whose lives have been ruined by the debilitating effect of pelvic mesh implants:

“On behalf of the Australian government I say sorry to all of those women with the historic agony and pain that has come from mesh implantation, which have led to horrific outcomes”.

Our Government should similarly apologise to women damaged by surgical mesh. Irrespective of how Brexit turns out, they should pledge to radically reform the regulatory pathway for this class of medicines in order to make sure that no patients, men or women, suffer, as patients have in the past, as a result of medical devices.

7.39 pm

The Parliamentary Under-Secretary of State for Health and Social Care (Jackie Doyle-Price): I congratulate the hon. Member for Pontypridd (Owen Smith) on securing

this debate and again challenging me on the regulation of medical devices. Obviously, we have discussed issues relating to mesh before, but this evening he has given a comprehensive critique of the weaknesses in the regulation of medical devices. We have to be very conscious that, unlike drugs, once a medical device is implanted, it stays there for good; the body does not process it and it does not leave the body. We can, therefore, imagine that clinical evidence and trial evidence will take many years to build up. Our perspective, from the point of view of trying to guarantee patient safety, needs to consider that in any future method of regulation.

The hon. Gentleman has highlighted some of the weaknesses. It is fair to say that perhaps in the past regulation has focused excessively on what is in the commercial interests of businesses to maintain competition, rather than having patient safety at its heart; I think that, when it comes to medical regulation, it should have that at its heart. Naturally, he referred to mesh, which he and I have discussed many times before. There is no doubt that mesh has transformed the lives of some women when they were living with the debilitating consequences of stress incontinence, but it is becoming clear that mesh was deployed far too insensibly—far too many women were given this treatment, often at comparatively young ages, given that this was going to stay in their body for a long time.

I do not want to pre-empt what will come out of the Cumberlege review, but I have discussed some of the findings with Baroness Cumberlege. On the whole issue of how our medical establishment have dealt with this, the conversations that have taken place with women who were having this treatment were utterly inadequate and we will learn many lessons. I say to those women who have suffered badly at the hands of mesh treatment that there are clear medical criteria relating to that product and, if they have any complaint about the treatment they have received, they should be pursuing claims for clinical negligence against their practitioners. We look forward to the conclusions of Baroness Cumberlege’s review.

The hon. Gentleman and the right hon. Member for Cynon Valley (Ann Clwyd) mentioned the issue of the national devices registry. I will say, up front, that I can assure them that this matter is already under consideration by the Department and it is linked to our wider digitisation agenda for the NHS. We have the technology and we should use it, in the interests of patient safety. We will be implementing that under new EU regulations to trace medical devices through unique device identifiers. I would be more than happy to meet him at a later date as we progress these proposals. As we depart from the European Union, we have an opportunity to alter our regulatory system. I am not sure that all my Conservative colleagues, in pushing Brexit, see it as an opportunity to tighten regulation, but that opportunity remains, so I look forward to that dialogue.

We clearly need to improve the existing system of regulation. As the hon. Gentleman mentioned, the EU directive currently under consideration will deliver that improvement, and we fully intend to take that forward. As he has described, medical devices are regulated in an entirely different way from medicines, and we need to make sure that regulation remains fit for purpose and that it responds to technological innovation. We also need to make sure that we have sufficient pre-market assessment, so that in assessing their efficacy we can really give evidence of how these devices are used by

patients. That is why manufacturers, notified bodies and the MHRA conduct ongoing post-market surveillance. We will all wish to be made more confident that that is fleet of foot where it identifies any potential weakness. The more data we can collect, the more we can make those judgments earlier. The emergence of a better registry will enable us to do exactly that. I acknowledge wholeheartedly that there is scope for improvement and that systems and processes need to be constantly tested against the ultimate purpose—that guiding star, the principle of patient safety. No patient who presents themselves to any area of the national health service should expect anything other than the best possible care. They should be able to trust that we have in place a regulatory regime that will protect them. I am personally committed to that review and challenge.

As I mentioned, we will implement the regulatory improvements currently being taken through the EU, even though we are now leaving the EU institutions. We are confident that the regulation will drive system-wide improvement, including to the levels of clinical data mandated before products can be placed on the market. That will establish a strong and improved baseline for any system we implement after our departure from the EU. These changes to our system will place more stringent requirements on those manufacturing and supplying medical devices and will enhance the MHRA's market surveillance responsibilities, resulting in clearer obligations to conduct inspections and the ongoing safety monitoring of devices.

In advance of those new regulations, the Government have taken a number of actions to ensure that existing legislation is operating as effectively as possible. That

includes a programme of joint assessments of notified bodies, including inspections by multiple competent authorities to ensure that notified bodies' assessments of new products and robust implementation of new standards for the clinical data are required for the new high-risk devices coming to the market.

It is true, I have to confess, that there has been a historic lack of transparency in the current system. It has not always been easy for patients to investigate and find more data about the things being put in their bodies. That is why the Government have prioritised the issue in negotiations on the new EU legislation. When those changes are implemented, there will, as the hon. Gentleman said, be an EU database that will contain details of all devices on the UK market, including where safety issues are identified. We are committed to ensuring that that will happen as part of our planning for a no-deal exit from the European Union.

Before I run out of time, I again want to mention the Cumberlege review, which will report later this year. It will give us many lessons about just how our medical device regulation has been less than optimal in the past. We will of course commit ourselves to any changes to respond to that review. I thank the hon. Gentleman for securing this debate and I look forward to further debate with him on these issues.

Question put and agreed to.

7.47 pm

House adjourned.

Westminster Hall

Tuesday 12 February 2019

[MR PHILIP HOLLOBONE *in the Chair*]

Missing Persons Guardianship

9.30 am

Bambos Charalambous (Enfield, Southgate) (Lab): I beg to move,

That this House has considered missing persons guardianship.

It is a pleasure to serve under your chairmanship, Mr Hollobone.

Imagine that someone you love went missing out of the blue. Try to imagine the anxiety, the shock and the sadness, and then imagine not being able to sort out any of their affairs in their absence. That frustration, confusion and hurt is exactly what my constituent experienced.

My constituent came to my surgery in May last year to tell me about her missing brother. She told me that he was an experienced traveller who was used to travelling alone. He had gone to visit the Galapagos islands, and it was from there that he vanished. He was last sighted on 11 March 2017 and never returned to his hotel room. He was a keen photographer, and his last photograph was taken on the island of San Cristóbal. Despite extensive searches on the islands, he was never found. My constituent was very close to her brother, who would contact her regularly when he was abroad, so when she had no contact with him for more than 10 days, she suspected that he was dead. No body was ever recovered.

After the shock and grief of her brother's disappearance, my constituent set about trying to manage his affairs, but she came across a number of problems. She discovered that banks and other financial institutions would not directly engage with her, as she could not prove that her brother was dead. During that time, mortgage payments and utility bills went unpaid, and direct debits continued to be withdrawn from her brother's bank account. She found the situation incredibly frustrating, and it caused her even more anguish after she had just come to terms with the fact that her brother was missing and, in all likelihood, dead.

Shocked by my constituent's experience, I told her that Parliament must legislate to stop it happening again. Imagine how disturbed I was when she told me that Parliament had already done so. I promised to look into the matter further, and I was staggered to discover that the Guardianship (Missing Persons) Act 2017, which dealt with my constituent's exact circumstances, had received Royal Assent on 27 April 2017 but had not yet been implemented.

With time against her and options running out, my constituent was forced to go down the presumption of death route to get an order allowing her to deal with her brother's affairs. However, although she applied for a presumption of death order, she was not certain to get one, due to the provisions of the Presumption of Death Act 2013. That Act makes it clear that if the missing person has not been missing for seven years, the court has to be convinced that they are dead. If it is not, it can refuse to make an order. That is the route the family of Lord Lucan had to go down 42 years after his disappearance, with no body ever having been recovered.

They were easily able to satisfy the Act's seven-year threshold, whereas my constituent could not. Although she was ultimately successful, she should not have had to go down that route for her brother, who had been missing for just over a year, when there was a more straightforward alternative.

The charity Missing People estimates that more than 1,000 people go missing for more than 12 months in the UK each year. The families of those who go missing suffer the distress and anguish of not knowing what has happened to their loved one, which is compounded by the powerlessness of not being able to manage their affairs. Family members have to make futile telephone calls to banks, building societies and utility companies, which will not co-operate with them due to fears of data protection breaches and fraud.

All the while, arrears accrue. If things escalate, the family may have to deal with bailiffs and lawyers to stop their loved one's home being repossessed. They will also be unable to stop direct debits from draining that person's account. If it is a joint account, that makes matters even worse, since financial institutions often insist on getting both parties' express consent to change anything. Financial institutions are among the strongest supporters of the 2017 Act, as it is their staff who are forced to say no to the families of loved ones. An order declaring that someone has a right to deal with their loved one's affairs makes it far easier for all concerned and removes the additional stress and worry from the equation.

At an event organised by Missing People, I had the privilege of meeting Mr Peter Lawrence, the father of missing person Claudia Lawrence. He told me about the challenges he faced in dealing with financial institutions in the aftermath of his daughter's disappearance. I am pleased to say that Peter is here with us today. Peter is a remarkable man, and I have nothing but admiration for his ongoing efforts to reform the law. It was partly due to his campaigning and raising of public awareness that the Government eventually decided to legislate for the guardianship of missing persons.

In preparation for the debate, I read transcripts of previous debates about guardianship for missing persons. I note with some disappointment that the very same points I have made so far today were made by the hon. Members for York Outer (Julian Sturdy) and for Thirsk and Malton (Kevin Hollinrake) and my hon. Friend the Member for Islwyn (Chris Evans) in March 2016. In that debate, there was criticism of the Government's failure to progress legislation they had consulted on in 2015. The Minister closed his remarks by saying:

"It is vital to get the reform right, given that it creates a legal power over another's assets. We are committed to proceeding as swiftly as we can, never forgetting for a moment the scope that it offers to ease...the pain and suffering endured by the families who have lost loved ones."—[*Official Report*, 23 March 2016; Vol. 607, c. 596WH.]

I am sure that that debate had a bearing on what happened next, as a year later the Guardianship (Missing Persons) Bill had been drafted and was making progress. On 6 April 2017, when that Bill had its Second Reading in the other place, the Minister said that it

"is unlikely to come into force earlier than one year after Royal Assent, but the Government will endeavour to keep any delay to an absolute minimum."—[*Official Report, House of Lords*, 6 April 2017; Vol. 762, c. 1188.]

The Bill passed all its stages and received Royal Assent on 27 April 2017.

[Bambos Charalambous]

The 2017 Act is a good piece of legislation. It defines what guardianship orders are and who can apply for them and in what circumstances. It covers the scope of the orders and their duration, and provides for their revocation. It was supported in Committee by all political parties. It was one of those rare pieces of legislation that transcended party politics and had genuine cross-party support. At a time of division in the country, it was something that everyone could sign up to. Unfortunately, since then, there have been a number of false dawns and dashed hopes with respect to when the Act will finally be fully implemented and when people will be able to use it. Some 21 months have passed since the Act received Royal Assent, and it has not been possible to apply for a single guardianship order.

I accept that there may be complications with getting the judiciary to familiarise themselves fully with the provisions of the Act, and no doubt some technical measures need to be properly scrutinised and overcome. I also appreciate that Brexit continues to take up significant time in Departments and that the Ministry of Justice, which has had significant cuts to its budget over a number of years, is probably very stretched. I cast no blame on the Minister, whom I have always found to be true to his word and helpful in my dealings with him. But the fact remains that the current state of affairs just is not good enough.

Since the 2017 Act received Royal Assent, the Ministry of Justice has introduced two more Bills to Parliament, both of which have passed all their stages and are now Acts—the Civil Liability Act 2018 and the Courts and Tribunals (Judiciary and Functions of Staff) Act 2018 both received Royal Assent on 20 December. I do not suggest for one minute that those are not important pieces of legislation, but I am concerned that they managed to leapfrog the 2017 Act and will in all likelihood be implemented before it. How is that possible? I suggest that the 2017 Act has not received the priority it deserves. Time and again, it has been put to the bottom of the pile while other things have taken precedence.

In my first and only question to the Prime Minister, on 28 November 2018, I asked about that delay. I am relieved that, since then, things have started moving. On 19 December 2018 the Ministry of Justice launched its consultation on the implementation of the Guardianship (Missing Persons) Act 2017, which among other things covers the code of practice, rules of court, practice directions, the registration and supervision of guardians, and fees—I note that, by some strange coincidence, that consultation ends today.

I have received assurances from the Ministry of Justice that the 2017 Act will be implemented fully by July 2019, but that is still five months away, and although I very much welcome that commitment, I am concerned to avoid further delays. I therefore ask the Minister to give a commitment that the Act will be implemented by July this year, and that if there is any delay, he will explain the reasons for it and allow hon. Members to question him.

Mr Gregory Campbell (East Londonderry) (DUP): I congratulate the hon. Gentleman on securing this timely debate on an emotive subject, which he is dealing with properly and appropriately. Does he agree that, in advance

of the legislative change in July, there will be an expectation—hopefully as a result of this debate and other pressures—that financial institutions will consider these matters practically and sensibly when dealing with families?

Bambos Charalambous: I entirely agree, and one of the biggest areas of distress for people is dealing with financial institutions. If measures can be introduced to enable things to run more smoothly, I would strongly support that, as, I hope, would the Minister.

Chris Evans (Islwyn) (Lab/Co-op): As we know, the hon. Member for Salisbury (John Glen), who first promoted the Presumption of Death Act 2013 as a private Member's Bill, is now the Economic Secretary to the Treasury. I wonder whether the Minister discussed this emotive issue with him in the hope that we can bring the financial services to the table.

Bambos Charalambous: I was not aware of that, and my hon. Friend makes a good point. I hope the Minister will hold such discussions with the Economic Secretary, if he has not already done so.

David Simpson (Upper Bann) (DUP): I congratulate the hon. Gentleman on securing the debate. I agree with everything he has said so far, and it is important that the 2017 Act is implemented by July. He mentioned the figure of 1,000 missing people, but perhaps the Minister could give some indication of what the number would be if we included all those who are in the pipeline for an application.

Bambos Charalambous: The hon. Gentleman makes an excellent point. One thousand people go missing a year, but some people have been missing for many more years, and the figure will obviously be far higher than the 1,000 I mentioned.

Kevin Hollinrake (Thirsk and Malton) (Con): I promoted the Guardianship (Missing Persons) Act 2017, and in my experience the financial services are keen on its provisions. They wish to help and to take a different approach when these tragic situations occur, but the difficulty is that they are tied to the law on such issues. We therefore need this change so that they can provide more assistance to those who face such difficulties.

Bambos Charalambous: I entirely agree. If a person dies, probate can be granted to financial institutions and used as a way of allowing the executor to access a person's accounts. More needs to be done, and financial institutions need to be protected in that area.

I hope the Minister will agree that those who have a missing family member should not have to endure the indignity of being unable to deal with their loved one's affairs because they cannot prove death, especially when they should not need to. The 2017 Act needs to be implemented as soon as possible, because no one should have to endure the anguish endured by my constituent. The Act will make a huge difference to the lives of the families of the missing. It will bring closure to some of them, as well as some comfort following the suffering and anguish they will have endured not knowing what fate may have befallen their loved one. This is a great opportunity for the Minister to show Parliament at its

best, with Members coming together to make a real difference and doing something that we all agree on and that will make a positive change to some people's lives.

9.44 am

Kevin Hollinrake (Thirsk and Malton) (Con): It is a pleasure to speak with you in the Chair, Mr Hollobone. I congratulate the hon. Member for Enfield, Southgate (Bambos Charalambous) on securing this debate and keeping up the pressure to ensure that the Guardianship (Missing Persons) Act 2017 is implemented to help the many people in need. The Act is vital because around 2,500 people waiting for such measures have already been affected when someone they know has gone missing—perhaps a relative or loved one—and it must be implemented as soon as possible. I am delighted that the Government have nailed their colours to the mast by providing a date of July for the implementation of these measures, rather than saying “shortly” or “in due course”, and that those who face such devastating circumstances will be helped from July this year.

This issue came across my desk early in my parliamentary career, because my hon. Friend the Member for York Outer (Julian Sturdy) and I co-host the Lawrence family in our constituencies. Being a local person, I was aware of the tragic and mysterious disappearance of Claudia Lawrence, which will be 10 years ago on 18 March this year. Despite the fact that it is 10 years on, Mr and Mrs Lawrence still need this Act, and I wonder how many other people it will help. It is vital.

I promoted the Act as a consequence of Peter Lawrence pushing me to push Ministers to raise the issue up the political agenda, which we managed to do. The Government were always supportive of the Act, but even in easier times parliamentary time is not easy to secure. I pay tribute to Peter Lawrence and to many others, as well as to the charity Missing People, which has kept up the pressure and highlighted the issues caused when people go missing and in the aftermath of such tragic circumstances.

The Act is referred to as Claudia's law, to recognise the 10 years that Claudia has been missing. I was lucky enough also to sponsor the Parental Bereavement (Leave and Pay) Bill, which was called “Will's Bill”, after my hon. Friend the Member for Colchester (Will Quince) and another tragic circumstance. Many people stood up in those debates—including me, as a father of four children—to say that the worst thing that could possibly happen to any parent would be to lose a child. I wonder, however, whether it is actually even worse to have a child who goes missing, because of the anxiety about what happened. People want to know and they hope not to receive terrible news, but they probably accept that such news will be the inevitable consequence if somebody has been missing for some time. Just as the hon. Member for Enfield, Southgate outlined, when a person goes missing, although people know that something tragic has happened they do not know what, and that is probably even worse than a bereavement. It is therefore right to move this issue forward as quickly as possible.

Thousands of people go missing annually, and the Government estimate that the 2017 Act will help between 50 and 300 people a year, with a mid-range estimate of about 100 people. Those 100 cases affect thousands of people—their loved ones and friends—and this Act is

vital. As the hon. Gentleman pointed out, in the aftermath of someone going missing many things need to be dealt with, including direct debits, rents or mortgages, and the Act will introduce measures that are similar to the power of attorney. It is a simple measure, and based on a well tried and tested formula. The Act has been well drafted to meet those requirements, and we have learned from our experiences with such legislation over recent decades.

It can certainly be argued that the legislation has been a long time coming. It was first talked about in the Justice Committee in 2012. The Government consulted on it in 2014, and the private Member's Bill started, probably, with Peter Lawrence pushing me to push the Government, in 2015. It started with a ten-minute rule Bill, and not many of those become legislation, so I am delighted that we were able to use that route. We did so, of course, with Government support. Ministers were always supportive. The process from drafting and First Reading to the moment the Bill passed through the House of Lords—the last day before Parliament prorogued, so it was pretty tight—took 11 weeks. That shows what cross-party support and consensus there was for the legislation. I am grateful to Members on both sides of the House, and to Ministers and shadow Ministers of all parties who helped to get it through. I am also grateful to others who acted, not least the Missing People charity, and the all-party parliamentary group on runaway and missing children and adults.

The finish line of July 2019 is now in sight. Of course it is not the finish line for the loved ones—the people who face such terrible tragedies. However, it will make life just a little easier. I again thank the hon. Member for Enfield, Southgate for bringing forward this important debate and the Minister for doing a tremendous job in making sure that we get over the line in July. He is a great fellow. I thank other Ministers as well—Lord Keen and successive Justice Secretaries—and many officials, not least of them Paul Hughes, who did a brilliant job of drafting and has been supportive from day one. The Act is vital legislation and it will help thousands of people. Let us get it into operation as soon as possible.

9.51 am

Jim Shannon (Strangford) (DUP): I thank and congratulate the hon. Member for Enfield, Southgate (Bambos Charalambous), who brought the matter forward, as well as the hon. Member for Thirsk and Malton (Kevin Hollinrake) and other Members who have attended to speak. I look forward to hearing the speeches of the shadow Minister, the hon. Member for Ashfield (Gloria De Piero), and the Minister. He is of course ably supported by his Parliamentary Private Secretary, the hon. Member for Angus (Kirstene Hair), who will keep him right—although that will not be hard to do.

The issue is important, and that is why I am here to give support. It is always good to speak on issues that affect our constituents. I am sure that I am not the only person who was touched by the Missing People choir in “Britain's Got Talent”, when TV gave an insight into the issue. That was in 2017, which is not that long ago. As we get older, the years go by more quickly than we would ever have imagined. I admit that, like others, I shed a tear as the photos flashed up showing clearly how many people there are in this country every minute of whose days is affected by a missing person. That

[Jim Shannon]

made it clear that there is a real issue. The pain of not knowing—rooms that remain untouched and lives that are unled—lost in the realm of waiting, is nothing short of heartbreaking. I rejoiced when I learned that one of the missing persons linked to the choir had been found. Yet that happy ending is not a normal ending in such cases; that is a fact. The 2017 Act was passed to help families and enable them to deal with financial and other issues that arise when someone has gone missing, although it will never help to ease the pain and suffering.

The Police Service of Northern Ireland has a website that displays photos of those who are missing, in an attempt to enable people to give others peace of mind. However, I believe that we must have a UK-wide national register of missing persons to provide a snapshot of live missing persons incidents across police forces throughout the UK, as a way of finding missing people if possible.

In the provincial papers back home, such as *Sunday Life*, there are unfortunately regular stories about people who have been missing over the years, with a renewed plea for people with evidence to come forward. It is always good to publish such information. I do not go to America every year, but I recall seeing, when I was there on holiday, that Walmart stores had pictures up of children who had gone missing. There were pictures galore on the wall—a wee timely reminder of the losses that happen. The children in those pictures are always smiling. Each missing person case is a story of loss and heartache, and the pictures resonate with everyone who looks at them.

I support legislation to make life easier for the families of missing people. I should make it clear that it is not an issue that affects only a small number of people. In the United Kingdom there is a report of someone going missing every 90 seconds, and 180,000 people are reported missing every year. There are 340,000 missing person incidents every year. Children are more likely to go missing than adults—that really creates grief and strain. One in 200 children and one in 500 adults go missing each year. Research has shown that stress is one of the most common reasons for adults to go missing. In up to eight out of 10 cases of missing adults, diagnosed or undiagnosed mental health issues are the reason. Relationship breakdown is responsible in three out of 10 cases. Dementia is another cause, in one in 10 cases. Four in every 10 people with dementia will go missing at some point. Those people do not intend to go missing, but they do. That has happened in my constituency in the past couple of years. Both people were found in time, thank goodness, and had no knowledge of where they were or recollection of how they got there.

Whatever the reason for someone going missing, the pain is the same. The Government were right to pass the legislation and now, at the close of the consultation period, it is time to implement the measure that will make so many things easier for waiting families to deal with.

Julian Sturdy (York Outer) (Con): The hon. Gentleman is making a powerful argument about the ways that people go missing. Does he agree that it is positive that we are moving towards the endgame, in July, for this important Act? However, as my hon. Friend the Member for Thirsk and Malton (Kevin Hollinrake) mentioned,

2,500 people are still waiting for the measure to be implemented. A thousand people go missing every year and, as has been said, they all have families. Must we not use the debate to make sure that the timescales for implementing the Act do not slip further?

Jim Shannon: I agree wholeheartedly. We look to the Minister now to encapsulate our thoughts and give us reasons why we are having this debate. Now is the time. We cannot wait longer. The hon. Member for Enfield, Southgate mentioned that it is the last day of the consultation, and we look to the Minister for reassurance.

Every one of us can understand the families' uncertainty. I agree that there must be a long waiting period before a declaration of presumed death can be made; yet there are issues that should not have to wait that long to be discharged. That is what this legislation is about, and it is on that matter that we want the Minister's reassurance. It will be helpful if a path can be set out for family members left without the financial support they need and expected, or unpaid creditors who must turn to insolvency procedures. It will be helpful also in the case of mortgages and repossession procedures. It is relevant to problems that arise when banks and other financial institutions are unable to release the missing person's assets, or even information about them, to those left behind. In such cases the missing person's money can be wasted by automated payments. Direct debits go out every month with no control and cannot be stopped. The person's assets decay for want of repair. Those things happen at the moment, and that is why the urgency of the matter cannot be emphasised enough.

There has been much consideration and the time has come to implement the law right away. Many hon. Members realise that there is a need to fill a void, and to look after those who have lost loved ones, so that they can continue their lives in a way that enables them to remember. The pain of families left behind will of course never go away, but the Act will enable us to look after them.

9.59 am

Chris Evans (Islwyn) (Lab/Co-op): It is a pleasure to serve under your chairmanship, Mr Hollobone. It is rare to be in a debate in Parliament where we feel that the whole House is coming together on an issue that affects nearly everyone. A quarter of a million people will go missing each year. Many of them will be found, but the families left behind are in no man's land.

I will start with a bit of history. As it did for the hon. Member for Thirsk and Malton (Kevin Hollinrake), this issue came to the fore with me very early in my parliamentary career, when I met Rachel Elias, the sister of Richey Edwards of the Manic Street Preachers, who went missing in 1995. The funny thing is that before we meet people and learn about the story, we sometimes think of it as a mystery and we forget that these people are real and leave behind lives. With Richey Edwards being a high-profile guitarist and songwriter with the Manic Street Preachers—one of my favourite bands when I was a mad indie fan as a kid—we forget that these people are real. When I met Rachel, I discovered the devastation that his disappearance had left behind: mortgages unpaid, as the hon. Member for Strangford (Jim Shannon) said, direct debits unpaid and a kind of no man's land.

It is hard for people to accept, when someone has gone missing, that they may have died; they do not want to recognise that. I pay tribute to the Missing People charity for its hard work to bring this issue to the fore. When I met the charity, I was told that the law at the time was like crazy paving, with no certainty about what happens when someone goes missing. I think the hon. Member for Thirsk and Malton will agree with me that that was the best way to describe it.

I was interested at the time in the Presumption of Death Act 2013. I will do something strange for a Labour Member and commend the Government, because from the beginning of my involvement in this campaign the Government got this, and I believe they got it right. When I was on the Justice Committee in 2011, I asked the then Chair, Sir Alan Beith—now Lord Beith—to look into the matter, and he did. We had the hon. Member for Huntingdon (Mr Djanogly), who was then a Minister at the Ministry of Justice, before us, and he said that the Government were supportive of a presumption of death Act but did not have parliamentary time.

That legislation was introduced as a private Member's Bill, which I mentioned in my earlier intervention, by the hon. Member for Salisbury (John Glen), who is now a Treasury Minister. I was delighted to be part of the Committee that ultimately brought about the Presumption of Death Act, which came into force on 1 October 2013, but I always felt that that was just part one of solving the problem. Yes, presumption of death was right—as the hon. Member for Strangford said, it is correct that we give a certain amount of time for people who have gone missing before they are pronounced dead. That is absolutely right because, sadly, we have seen high-profile cases where people have come back—I am thinking of the famous canoe man.

The second part, and the original point that Rachel brought up with me, was about still being liable for debts, direct debits and, in particular, mortgages. Banks, having no recompense, may have to look into liquidation. The financial pressure that families face is huge, at the same time as they are going through the emotions of losing and missing someone, so I was delighted when the hon. Member for Thirsk and Malton introduced a private Member's Bill that became the Guardianship (Missing Persons) Act 2017.

However, for all the good work done on this by the coalition Government and the present Government, I feel that they dragged their heels a little, and I am disappointed by that. It is pertinent, as my hon. Friend the Member for Enfield, Southgate (Bambos Charalambous) mentioned, that today is the end of the consultation. I think we have dragged our feet a little too much on this, and I look to the Minister to ensure that the Act comes into force in July. Too many people are left in limbo and need help, not in July, but now. If they have the banks on their back and everything else, the pressure on them is immense.

As I said in my earlier intervention, the hon. Member for Salisbury has been elevated to the Treasury team—he is on to great things—but he has responsibility for financial services now, as the Minister will know, and I hope that they have had discussions. I know the hon. Member for Salisbury enjoys a good relationship with the financial services sector, and I hope he will be heavily involved in ensuring that the banks and other financial services come to the table and talk about this

to ensure a smooth transition as the Act comes into force in July, so that the financial pressure is taken off families.

I also understand the problems with the Act: we are asking someone to take on the affairs of someone else, and I know there has to be sensitivity around that. When the Minister responds to the debate, I hope he will touch on that sensitivity of someone else taking on responsibility for someone who is missing and does not know that they have got hold of their financial affairs. As we always worry in these cases, despite all the many genuine cases, there is always potential for fraud, so I hope the Minister will talk about how the Act will deal with that.

I pay tribute to the hon. Member for Strangford, who I think is setting the record for the number of Westminster Hall debates that he speaks in. He spoke very well, as he always does, and he mentioned something that I had not thought of before: whether a central database of missing people had been created by the police. I hope the Minister will have conversations with the Home Office about bringing that about. It is interesting that when we travel to America, if we buy a carton of milk, there are often pictures of missing children on there. The Government could speak to supermarkets about bringing that about, and I hope that will be thought about.

Of course, I pay tribute to Peter Lawrence, who I am delighted to see here today, for his dignified campaign. Anyone who has met him knows his passion to ensure that no other family should have to go through what he has been through. I share his sadness that it is now 10 years since Claudia went missing, and I hope beyond all hope that one day he gets some positive news, because he deserves it.

I also pay tribute to my constituent Rachel Elias for her high-profile campaign, especially through the popular press, to ensure that Richey's tragedy is still talked about 24 years later. I met her mother Sherry and her father Graham, and I find it sad that they passed away without knowing what happened to Richey. Again, I hope that they find some closure in that case and that there is some positive news about all this; but I will say of Rachel that, in the midst of all the negativity, she has found something positive and she has campaigned very hard. My heart goes out to everybody who has someone who has gone missing. I pray and hope that they find closure and hear some positive news eventually.

Mr Philip Hollobone (in the Chair): We now come to the Front-Bench speeches. If the Front Benchers split the time between them, they can have up to 25 minutes each, but it is not compulsory.

10.6 am

Gloria De Piero (Ashfield) (Lab): Do not worry, colleagues, I will not take up that kind offer. It is an honour to serve under your chairmanship, Mr Hollobone. I pay tribute to my hon. Friend the Member for Enfield, Southgate (Bambos Charalambous) for securing the debate and to everybody who has contributed to it—the hon. Members for Thirsk and Malton (Kevin Hollinrake), for Strangford (Jim Shannon) and for York Outer (Julian Sturdy), and my hon. Friend the Member for Islwyn (Chris Evans). We have heard some powerful and moving

[Gloria De Piero]

speeches. To say that I enjoyed listening to them would be to use the wrong word, but certainly I have been moved by every speech I have heard today.

Let us take a moment to imagine someone we love dearly—a family member, spouse or child—going missing without a trace; how frantic and traumatised we would feel at losing them overnight and how we would cling to the hope that they might return, even as days, months or even years went by, all the while swinging between hope and fear of the worst. Let us imagine having to experience that rollercoaster of emotional turmoil while simultaneously battling with legal and financial institutions to save the home we shared, watching the life that we hope that loved one will return to fall apart. Let us imagine being stuck in legal limbo, unable even to grieve the loss of the missing loved one, who we still hope will return, unable to manage the finances and practical affairs of the absent family member, feeling helpless.

That is the reality for families of missing people, who are still waiting on Ministers to move on this vital legislation and allow them the legal right to become guardians of their loved one's affairs 90 days after they have been declared missing. Without the legal authority to act on a missing relative's behalf, families can face great difficulty engaging financial and legal institutions to keep their loved one's affairs in order. Whether it is banking, mortgages or insurance, benefits or utilities, the list of foundational elements of their relative's life that they are unable to manage due to bureaucratic barriers is endless.

Families find themselves unable to make changes to missing relatives' mortgages or cancel direct debits that are clearly no longer needed. The worst-case scenario is that the missing person's finances are damaged beyond repair and that their home is lost altogether, which, unless a presumption of death certificate is gained, is the only option for some families.

However, quite understandably, many people do not want to believe that their loved one is deceased. While the presumption of death route suits some families, it does not suit many others. Imagine having a missing person declared dead when firmly believing, or at least hoping against hope, that they are actually still alive. Forcing families to declare their loved one dead just so that they can take control of a spiralling financial crisis seems an almost dystopian level of cruelty. Where is the humanity in such a system? There are examples of people who have been missing for years later returning. Who are we to deny suffering families the hope that their loved one will one day be back to resume the life they left behind?

The simple solution, as laid out in the 2017 Act, is similar to arrangements that exist for appointing people guardian of the affairs of someone who is mentally incapable of managing their own affairs. This is a humane and practical route to giving families the peace of mind and the autonomy to deal with financial quandaries that they would otherwise face.

The Government have dragged their feet on implementation of the 2017 Act, to the extent that they are still consulting on it, despite the Act receiving Royal Assent and the support of both sides of the House. This totally unnecessary consultation finishes today, with

weary families watching as we continue to engage in a talking shop about the blatantly obvious and already agreed solution to their ongoing trauma. The legislation has been debated and agreed and has received Royal Assent. Why on earth are we making traumatised families wait any longer? Charities that work with the families of missing people are seriously concerned by the continued delays. Missing People says that families it works with currently face increased financial hardship, despite hoping that they would now be able to manage their missing relative's affairs.

Claudia Lawrence is still missing after nearly 10 years. There is no evidence of any crime being committed against her, nor of her having made any contact with those close to her. Her father, Peter Lawrence, has spearheaded the campaign for changes to guardianship laws and has come so far, seeing Claudia's law grow from a ten-minute rule Bill into a fully formed Act thanks to his brave campaigning. However, he and the rest of Claudia's family still have no closure or ability to manage her affairs.

More people are going missing, and the latest figures show that fewer people than the Government expected have been declared as presumed dead, meaning more families being forced to face unnecessary challenges due to the Government's slow progress on implementing the legislation. Claudia's law passed its Third Reading in the House of Lords on 27 April 2017. It was welcomed in both Houses by all parties and passed through Parliament unamended in just over three months. It should have been fully enacted in May 2018, when we expected families of missing people to be able to start applying for guardianship powers.

However, despite initial assurances that the law would be brought into force one year after Royal Assent, in April 2018 the Government made the heartbreaking announcement that delays would ensue, preventing the necessary secondary legislation from being enacted. We are still waiting, nearly two years down the line, while families watch their finances fall apart and the burden of stress mount ever higher. All Members who have spoken have made the same plea: that we must not drag our heels any longer. Why do these delays persist? When will the Minister give these families the reassurance they need of a solid, immovable implementation timetable, and what does he have to say to them by way of apology for their prolonged pain and suffering?

10.13 am

The Parliamentary Under-Secretary of State for Justice (Edward Argar): It is a pleasure to serve under your chairmanship, Mr Hollobone. I congratulate the hon. Member for Enfield, Southgate (Bambos Charalambous) on securing a debate on this important subject. He and many other Members of both Houses, some of whom are here today, have campaigned long and hard for the implementation of the Guardianship (Missing Persons) Act 2017. The hon. Gentleman spoke very movingly, with his customary decency and power, on behalf of his constituent, whose brother went missing in the Galapagos.

I also pay tribute to my hon. Friend the Member for Thirsk and Malton (Kevin Hollinrake), who is my friend, for his work on and success with his private Member's Bill. He mentioned that parliamentary time is hard to come by and that getting a private Member's

Bill through is harder still. I have to say that he has exceptional skill in doing so, having done it not once but twice. I commend any colleague wishing to succeed with a private Member's Bill to seek his wise counsel and guidance, or indeed his golden touch, in this space.

My hon. Friend rightly highlighted not only the support for the 2017 Act across the House, but how he got it across the line just in time. I have to declare an interest: I was proud to be in the Chamber that day to hear his speech. On that occasion he highlighted the case of Claudia Lawrence, who has been missing since 2009. Her father, Peter, is here today. While tributes to colleagues are important, I must pay the greatest tribute to him for his bravery and dedication in securing action by Parliament on this important issue.

The shadow Minister, the hon. Member for Ashfield (Gloria De Piero), made a powerful speech, as ever. It is always a pleasure to work with her. As she knows, when I say that I will do something, I tend to stick to that, and I intend to do so today. I know that she, with her customary courtesy but firmness, will hold me to account on that—she has today administered polite but firm prods to Her Majesty's Government along those lines.

I am conscious that Members are frustrated, as they have expressed courteously but clearly, that the Act has not yet come into effect. As a Member who was in the Chamber that day, I share that frustration. I am pleased to reaffirm on the record the commitment made by my ministerial colleague, Lord Keen, that the Government are determined to implement the Act in July this year. The hon. Member for Enfield, Southgate asked what will happen should there be any delays or problems. First, should there be any, I will ensure that Parliament is fully informed. However, it is my determination to make sure that there are none and that we bring the Act into operation in July.

Julian Sturdy: The Minister is making a genuine point, and I know from speaking to him and from asking questions of him in the House that he is determined to drive this forward. I am absolutely delighted about that, but will he give a commitment to all Members in the debate—looking around, they are the same ones who have been involved in these debates for years—that he will write to us to keep us updated and to make sure we deliver on that July timetable?

Edward Argar: I am very happy to give that assurance and to write to all Members who have participated in the debate, as well as to others who could not be here today but who have taken a close interest in this issue. My hon. Friend pre-empts my mentioning him, but I put on the record my appreciation and, I know, everyone else's, for his work in furthering this important cause.

Today is a significant marker on the route to implementation, not only because of our debate, but because it is the end of the consultation period, which began on 19 December last year with the publication of our consultation paper on the implementation of the Act. While I hear the shadow Minister's points on that, I think it was right that we consulted. We are taking a novel approach to a new area of law, and it is important that we get it right.

I emphasise that the Government recognise and fully support the need for this legislation. I think it was the hon. Member for Islwyn (Chris Evans) who put it very

clearly, saying that, prior to the Act, the law and provisions in this area were essentially a bit like crazy paving. He is absolutely right. The need for the legislation was therefore clear.

We understood that several families each year had no legal process to turn to in order to resolve urgent property or financial affairs for a family member or friend who had gone missing with no evidence of what had happened to them. That was set out by the hon. Member for Enfield, Southgate and, indeed, by my friend, the hon. Member for Strangford (Jim Shannon), who set out with his customary passion, determination and detailed research the vital need for this legislation to come into force. As ever, his constituents and the House are lucky to have him.

We understand that the terrible emotional distress and anxiety that families are already going through is increased as they seek to deal with everyday financial issues regarding their missing loved one. They cannot access bank accounts, savings or property transactions to intervene as they see those financial affairs potentially spiralling out of control. The creation of the new legal status of guardian of the property and financial affairs of a missing person will provide a structured way of dealing with financial affairs and property in the missing person's best interests, under a legal process that builds in safeguards for all involved.

The consultation paper, to which I referred, set out the Ministry of Justice's proposals for implementation of the Act. The Government are grateful for the comments we have received—both formally, in writing, and in numerous meetings that officials have convened in the past few months with a wide range of interested parties, following the commitment in the consultation paper to engage fully with stakeholders. Of course, we must now consider the views expressed to us. We intend to do that quickly and to publish the Government's response to the consultation in early April, setting out the detail of the proposals for implementation.

As the consultation paper set out, there are several aspects to implementation of the Act, and all of them need to be completed successfully for it to come into force and work as intended. As I have mentioned, guardianship in this context is fairly novel; indeed, it is a significant change, so it is important that we get it right, with safeguards, but also ensure that the raft of complex legal and regulatory changes work as intended.

The first aspect is developing the rules of court and related practice directions for guardianship proceedings. Guardians can be appointed only by the High Court. Their appointment will be by a court order setting out the scope of their authority in relation to the property and financial affairs of the missing person. As I have said, the court to be designated for the process is the High Court. The decision on the court was made by the Lord Chancellor, following the required statutory consultation with the Lord Chief Justice.

Our intention is that applications to the High Court for a guardianship order will be made to the chancery division or the family division. This arrangement is modelled on the Inheritance (Provision for Family and Dependents) Act 1975 and the Presumption of Death Act 2013. This approach enables many of the existing rules of court and practice directions to be followed, so guardianship proceedings can be commenced under existing part 8 of the civil procedure rules, and applications

[Edward Argar]

after a case has started can be made via part 23. We will decide where to draw the line between the different rules over the coming months in considering the response to the consultation. However, although we can follow precedent, we are not obliged to do so, and if there are good reasons to create a new provision to cater for a particular feature of guardianship—for example, its limited duration—we are willing to look at that.

I can give an update: the work on the draft rules of court and practice directions is progressing well and efficiently, particularly through consultation with members of the judiciary and court officials who will be handling cases. The draft rules and practice directions will of course have to be considered and approved by the Civil Procedure Rule Committee. We intend to submit the drafts to the meetings of the committee in April and May. Once the committee has signed off the rules, they will be made and laid before Parliament for approval under the negative resolution procedure. The rules will be given effect through administrative procedures that will have to be created by Her Majesty's Courts and Tribunals Service. Work is already under way in preparation for that.

The second major aspect of implementation is the making of regulations to enable the Public Guardian to register and supervise guardians. These regulations will be made under section 58 of the Mental Capacity Act 2005. We expect that they will be similar to those applying to deputies who are appointed by the Court of Protection to manage the property and financial affairs of individuals who lack the mental capacity to do so themselves. These regulations will provide a legal framework, but the Public Guardian will also have to develop procedures to provide a supervisory and registration service. That work is also well under way, and good progress is being made.

This Act provides for the Public Guardian to establish and maintain a register of guardianship orders. The Public Guardian will also be responsible for supervision of guardians. We propose that a guardianship order will specify when the guardian is to report to the Public Guardian. The Public Guardian will deal with complaints about the conduct of guardians, including safeguarding concerns, but will also be able to offer advice and guidance, which we think will provide considerable assistance to guardians, as the equivalent advice and guidance does for deputies at the moment.

Deputies usually have to provide a security or surety bond or proof of adequate professional indemnity insurance to the Public Guardian. We anticipate that there will be similar arrangements for guardians under this Act. The Public Guardian will receive the bond and hold it against any risk of a missing person's estate being misused and facing financial loss through the actions of the guardian.

I would like to take this opportunity to pay tribute to the Public Guardian and his office for their work to date in preparing for implementation of the Act. More broadly, ahead of his retirement later this year, I pay tribute to the Public Guardian, Alan Eccles, as an exemplary public servant who has done much to bring this issue to the fore and into greater public consciousness during his term of office.

The third aspect on which we have consulted is the fees for the new service. These are of two types. The first is court fees, and the proposal in the consultation is to adopt the existing fees in the High Court's two divisions for the procedures concerned. This mirrors the approach taken for fees under the Presumption of Death Act 2013. The second type of fee is that levied by the Public Guardian for registration and supervision of guardians. These will be new fees, but the expectation in the consultation is that the approach will follow that taken by the Public Guardian in relation to existing fees for deputies. For both these types of fees, we expect that there will be the usual exemptions and remissions.

I have to say that this is not a simple process, because the fees are currently calculated to strike a balance between being affordable and covering the costs of operating the system. Obviously, for something new, it is difficult to estimate both what the costs will be and what the volume of cases will be, but it is important that we strike the right balance between ensuring that costs are covered and not allowing a situation whereby, in the initial months, when there may be only a few applications, people face a prohibitive fee. We need to strike an appropriate balance.

The fourth and final aspect on which we have consulted is the content of a draft code of practice offering guidance to guardians and those considering whether to make a guardianship application. The Act requires the Lord Chancellor to issue a code of practice, and we intend to do that when the Act comes into force. In drawing up the draft code, we have been at pains to make it as accessible as possible to the layperson, and it features a glossary of terms and a number of examples of scenarios that may be faced by the family and friends of missing people. However, we know from the comments that we have received that we can make further progress towards that objective.

The draft code explains key concepts underpinning the Act and goes into some detail on the broad range of duties that guardians will carry out. The aim is that it will assist guardians to understand their responsibilities and equip them to meet their duties. It also aims to explain their powers and the limitations of those powers, as well as where guardians can turn for help. Once the content of the rules and regulations has been settled in the light of the consultation responses, we will include them in the code of practice. The code will be an important resource for guardians and people dealing with them. We intend to lay a draft before Parliament at least 40 days before it is issued, but in the meantime we intend to publish a revised draft in response to the consultation.

I will now address one of the points made by the hon. Member for Islwyn—my pronunciation of the name of his constituency will get better one of these days—in respect of relationships with financial institutions, both in the lead-up to the Act and once the Act is fully in force. Financial institutions are already getting engaged with this process and getting on board with these changes. Officials are ensuring that there is strong engagement directly with financial institutions to discuss setting up new systems for the process in guardianship cases, to ensure that it is as simple and efficient as possible for those who have to go through the pain of this situation.

The designation of the High Court, which I mentioned, will require a statutory instrument.

Jim Shannon: I want to refresh the Minister's memory about one the requests I made to him, on the back of which the hon. Member for Islwyn (Chris Evans) came in as well. The Police Service of Northern Ireland has a statistical central catalogue of all the missing people, and it periodically publishes their names in the provincial press to remind people. I know it is not the Minister's direct responsibility, but could he ask the correct Minister about having a central location for a catalogue of those who have gone missing across the United Kingdom of Great Britain and Northern Ireland? That would ensure that people could look at it whenever they want. Would he also take on the idea suggested by the hon. Member for Islwyn about having copies of a photograph of these people? That could be done in conjunction with a person's family. It would highlight missing people on a regular basis, and may jog people's memories to give a bit of evidence, which may make a difference.

Edward Argar: The hon. Members for Strangford and for Islwyn—if I keep saying it, I will get it right—have both made powerful points, which I am happy to explore with ministerial colleagues.

The designation of the High Court will require a statutory instrument. I hope that when we get to the stage of having to lay those pieces of delegated legislation, we preserve a bipartisan and non-party political approach, to ensure that we get the regulations right and get them through as swiftly as we can.

Before finishing, I place on record my thanks to the charity Missing People, which has continued to engage with the Ministry in the preparation of the consultation and the draft legislation, and which has kindly acted as

an intermediary to collect and collate responses to the consultation from families it knows who have been directly affected by people going missing.

In conclusion, I thank the hon. Member for Enfield, Southgate for bringing the topic of guardianship of missing persons before us today. I thank all the hon. Members who have taken part and who have pursued the issue, both today and over many months and years. I also thank you, Mr Hollobone, for chairing the debate. The Act is not only needed and practically important, but quite simply the right thing to do. There is still more work to do to implement the Act in July, but I and the Government know how important this legislation is to many families, who do not have any legal recourse at the moment, and I will do everything in my power to ensure that, in July, we make the ambition and intent of this Act a reality for our country, our communities and those who suffer the dreadful pain of a loved one going missing.

10.31 am

Bambos Charalambous: I will be brief in my remarks. I thank the Minister for giving details about the next steps and how the matter will progress from here. I look forward to getting updates in the near future about how things are progressing. He has given a commitment that the Act will be fully implemented in July, and I look forward to that. I thank him for being so candid.

Question put and agreed to.

Resolved,

That this House has considered missing persons guardianship.

10.32 am

Sitting suspended.

Non-surgical Cosmetic Procedures: Regulation

11 am

Alberto Costa (South Leicestershire) (Con): I beg to move,

That this House has considered regulation of non-surgical cosmetic procedures.

It is a pleasure to serve under your chairmanship, Mr Hollobone, and I am grateful to lead this debate on an issue that I believe affects all our constituents.

We live in a time when there is a certain desire, especially among the young and impressionable, that one must always look one's best, or in fact look different to how we may really be. There is nothing wrong with that; we live in a country that gives all citizens the ultimate freedoms over their choices and their own bodies. However, we in Parliament have a responsibility to the people, and our responsibility includes ensuring that those who wish to change their appearance and their body have all the information they need to make a fully informed and rational decision and, importantly, are able to trust those administering treatments and to have peace of mind that those treatments will be carried out correctly, with minimal risk to their health.

John Howell (Henley) (Con): Does this matter not come down to a fundamental issue, namely that if something goes wrong, who do we sue? Is that not the nub of what my hon. Friend is trying to get at?

Alberto Costa: I thank my hon. Friend for that intervention. Yes, that is one of the core issues that I wish to raise today. The mark of a professional in our society is somebody who is regulated, who is trained, qualified and licensed, and who has ongoing regulation and development. However, in addition to that, in the private sector they must carry professional indemnity insurance, so that people do not sue men or women of straw and so that they have someone to sue when things go wrong.

My experience of non-surgical cosmetic procedures does not extend to Instagram celebrities or Kylie Jenner. Instead, I wish to inform you, Mr Hollobone, of the case of my constituent Rachael Knappier. First, I thank Rachael, her mother and her friend, who are all attending this debate here in Parliament. I also thank Rachael for her tremendous bravery and willingness to talk openly about the terrible injury that she sustained as a result of a botched non-surgical cosmetic procedure. I think Rachael has been a role model for hundreds, if not thousands, of people across the country who have read the articles in the British media about her trauma. They responded with sympathy, but most crucially an understanding of her experience, because—sadly—experiences such as Rachael's are not confined to the few. Many hundreds of our constituents have suffered such botched procedures.

Jim Shannon (Strangford) (DUP): I thank the hon. Gentleman for giving way and I congratulate him on bringing this issue to the House. This debate was supposed to be held a few weeks ago, Mr Hollobone, but unfortunately it did not take place then, so I have looked forward to this opportunity today.

Very recently, I was contacted by one of my local councillors on behalf of a registered nurse in my constituency who is asking for regulation of non-surgical cosmetic services to be made compulsory and not voluntary. Does the hon. Gentleman agree that we must understand the belief of someone who sees the terrible effects of these treatments carried out by those who are not medical professionals, and that we should put legislation in place to address this grave concern? Whenever nurses or my councillors come and tell me their concerns, there is a real need for legislative change.

Alberto Costa: I thank the hon. Gentleman for his intervention. I agree that regulation is required and that legislation should underpin that regulation; there should not be voluntary regulation. Indeed, I would go further and say that, although I do not profess to know what type of expertise somebody should have to carry out these procedures, the regulator should identify the training, the expertise and the qualifications required and what products should be permitted in the market.

Dr Dan Poulter (Central Suffolk and North Ipswich) (Con): I am sure my hon. Friend will be aware that Sir Bruce Keogh conducted a review of the cosmetics industry and its unregulated nature earlier this decade, and he made exactly the points that my hon. Friend is making. Sir Bruce also made the point that if someone is going to perform operations on the human body, they should have the requisite knowledge and training to understand the anatomy involved and the consequences if something goes wrong. Far too often, unregulated practitioners do not have the skills or knowledge to understand what can go wrong, or indeed the skills or knowledge to advise people about the potentially adverse consequences of a procedure. I therefore agree with my hon. Friend that it is time for proper regulation of what are sometimes cowboy practitioners in this sector.

Alberto Costa: I could not agree more with my hon. Friend. The idea that anyone who is wholly unregulated and without any medical expertise whatsoever can inject people with foreign substances is shocking, to say the least. Again, however, it would be for a regulator to determine what type of qualifications and expertise one should need, whether that is medical expertise or otherwise. I would leave that matter in the hands of an appropriate regulator.

Several hon. Members *rose—*

Alberto Costa: If hon. Members do not mind, I will make some progress and then give way again.

My constituent Rachael told me that a beautician had attended a party intending to administer some treatments to those in attendance. The beautician in question did not have any medical training, nor, to the best of my knowledge, did she have any formal recognised training in administering this type of injection. Rachael received, as many thousands of our constituents do, a lip filler injection while she was attending a social engagement with friends. As a direct result of the beautician's mistake—it was not Rachael's mistake—lip filler was incorrectly injected into Rachael's artery, causing her lips to swell severely, requiring her to seek urgent medical attention, before being treated privately after the NHS was unable to help. Again, I commend Rachael's

bravery in talking so willingly about her experience, providing a multitude of younger people and others with a message of understanding and empowerment.

These types of procedures, which have been popularised by Instagram celebrities and reality stars such as the Kardashians, have experienced a huge rise in popularity, with more and more people seeking them.

Melanie Onn (Great Grimsby) (Lab): Does the hon. Gentleman agree that although the vast majority of beauticians undertaking these procedures do so in a professional setting and manner and are concerned about the reputation of their businesses, maintaining that professionalism requires some form of regulation, which would stop these Botox parties where things go horribly wrong and people have no redress, and would improve the whole industry?

Alberto Costa: I thank the hon. Lady for her intervention. She is right to use the word “professional”, but the mark of a professional is somebody who is regulated, and in the private sector it is somebody who has professional indemnity insurance behind them. It is easy for someone to call themselves a professional, but a real professional is someone who is regulated. I am a solicitor and I am regulated by the Solicitors Regulation Authority, and behind me there is professional indemnity insurance. If I give advice negligently, a consumer has redress against the insurance product. We want a healthy, thriving industry in non-surgical cosmetics, where people can freely choose these procedures, but we have a duty as MPs to protect the health and safety of consumers, enabling them to make informed choices when seeking treatment from professional beauticians.

Liz McInnes (Heywood and Middleton) (Lab): I thank the hon. Gentleman for giving way again. Regarding the training that those administering these sorts of treatments need, I recently spoke to a father whose 19-year-old daughter had received Botox injections, to which she had suffered a severe allergic reaction. This is the realm of medical practice. Anyone administering Botox should be aware of the possibility of those receiving it having an allergic reaction and should know what to do if they do. That is an area that regulation needs to address.

Alberto Costa: The hon. Lady is exactly spot-on. It is beyond belief that somebody can inject someone else with a foreign substance and have no medical expertise whatsoever. That is the nub of the problem.

We see more and more young people seeking these types of procedures, and at younger ages. It is incumbent on the Government to act swiftly and decisively to ensure that proper regulation and protection are in place for our constituents, of all ages, before the situation spirals out of control.

According to data from Save Face, a Government-approved voluntary register of accredited practitioners, there has been an alarming rise in reports of botched cosmetic procedures in the UK. The number of complaints about unregistered practitioners of treatments such as lip fillers and Botox reached almost 1,000 last year, showing that there is a large gap in safety and proper process that must be bridged.

Further, there is a separate but inextricable link between the rise of non-surgical cosmetic procedures and the pressures that young people in our society feel. Members may have seen Sky News this morning about social media, selfies and changing one’s image. That is clearly a major issue, particularly among the younger generation. Social media also has a responsibility regarding advertisements for non-surgical cosmetic procedures that are particularly targeted at minors. Although it is a person’s prerogative to undertake any treatment they wish, they should be able to do so through the prism of an informed decision, and with the peace of mind that the treatment they receive has been tried, tested and regulated by a professional body.

Colleagues might have seen the news about Superdrug a week or so ago, in which NHS England’s medical director strongly criticised the trusted high street retailer for not conducting “medically responsible” checks before customers receive their treatment. Similarly, NHS England’s chief executive sternly warned ITV about screening advertisements for these types of treatment in breaks during programmes such as “Love Island”, which is hugely popular with young people. Many colleagues will be shocked, as I was, to find that anyone can carry out non-surgical cosmetic procedures, with no regulation or expertise whatsoever.

A multitude of small businesses, and even individuals, spread across Facebook and, especially, Instagram, offer their services to impressionable young people. Many of them have no corporate responsibility or regulation and there are therefore absolutely no safeguards for consumers. Although I appreciate that many colleagues may have never seen an episode of “Love Island”—I confess to being in that category; I do not even have an Instagram account—

Jim Shannon: That makes two of us.

Alberto Costa: Dreadful, shocking. *[Interruption.]* Resign? With immediate effect. Members may also inexplicably not even know the difference between their Kylie and Kendall Jenners, but there can be no doubt that most of our young constituents do. Those things are staples of the young generation, and are prevalent reminders, and in some cases advocates, of these types of non-surgical cosmetic treatment.

The Times recently conducted an investigation in which an Instagram account was created purporting to be that of a 13-year-old. Almost instantly after the account had followed social media influencers and celebrities, posts promoting such procedures appeared in the app’s “explore” feature. That reveals the shocking ease with which our younger constituents can be exposed to these types of treatment, under the guise of their being the new norm in today’s society.

In addition, young people’s physical access to the treatments is of tremendous concern. Although the law rightly restricts tattooing and the use of sunbeds for those under 18, there is no age-related restriction for either surgical or non-surgical invasive cosmetic procedures. The Nuffield Council on Bioethics recommends that children and young people under the age of 18 should not be able to access cosmetic procedures unless there is a medically relevant reason to do so. With the prevalence and exposure of the procedures specifically aimed at the young and impressionable in our society, action is required to protect children.

[Alberto Costa]

Turning to the industry itself, I have repeatedly said that non-health professionals who provide non-surgical cosmetic procedures are not regulated in an appropriate statutory manner. There is, however, an independent voluntary Joint Council for Cosmetic Practitioners, which has launched two new registers, one for practitioners who meet the clinical standards required to provide the treatments and another for accredited education providers. In the absence of an obligatory statutory register, as a minimum there should be clear public information about the need to seek a practitioner who is, at the very least, registered with that independent voluntary regulator. Nevertheless, a voluntary independent register, however laudable, does not go far enough. Dermal lip fillers, as one of the more popular non-surgical cosmetic treatments, are a good case in point regarding the total lack of standards in respect of the administered products.

I am mindful of time, so will make a few closing remarks. It was mentioned that the Keogh review, undertaken by the coalition Government, expressed huge concern that nothing prevented entirely unskilled practitioners from offering invasive treatments using unregulated products. The review stated that

“dermal fillers are a crisis waiting to happen.”

Despite the Minister at the time of the review’s publication advocating that its recommendations be taken forward, sadly this is, apparently, not happening. I therefore ask both the Minister, who I know has been a champion of ensuring appropriate health and safety standards for consumers, and the Government to at least consider setting out a cohesive and comprehensive plan to properly regulate the non-surgical cosmetic industry.

My constituent Rachael has been forthcoming, and willing to discuss her experience, but many hundreds out there have suffered botched treatments and are embarrassed or unable to come forward. As Members of Parliament, we have a duty to our constituents, and indeed to all others who may consider these treatments, to provide public information and to ensure that the procedures are administered by trained, qualified and regulated individuals. We also must ensure that, yes, those individuals are able to work in a thriving and competitive industry, but also that consumers have choice and that professional indemnity insurance is obligatory, so that our constituents are protected when things go wrong and the taxpayer is not burdened through the impact on the NHS.

11.17 am

The Parliamentary Under-Secretary of State for Health and Social Care (Jackie Doyle-Price): I thank my hon. Friend the Member for South Leicestershire (Alberto Costa) for introducing this extremely timely debate. It is good to see so many colleagues showing an interest. I am delighted to see my hon. Friend the Member for Central Suffolk and North Ipswich (Dr Poulter), who made a start on regulating what is a growing industry. These days, we are all concerned about our body image. We all want to look good, and the industry has grown very rapidly. However, it is important to ensure that the public understand the risks associated with the procedures, and we need to do our best to improve standards throughout the industry.

Judith Cummins (Bradford South) (Lab): Does the Minister agree that as well as looking at regulation we need to celebrate the beauty industry, which is led predominantly by women, predominantly employs women, and contributes hundreds of millions of pounds to our economy?

Jackie Doyle-Price: I am happy to endorse that point. It is worth bearing in mind that in wishing to regulate the sector we do not want to undermine its dynamism and competitiveness. What we really need is to ensure that consumers are properly educated, so that they can make informed choices about where they seek treatment and can protect themselves. Medical professionals are equipped to deliver some of the treatments, but we do not necessarily want that as a monopoly. Provided we have an appropriate system of regulation with everyone signing up to the same expected standards, such a system can be embraced.

We have had reference to Sir Bruce Keogh’s invaluable review, led by my hon. Friend the Member for Central Suffolk and North Ipswich. The Government have acted to improve the regulation and registration of those performing cosmetic interventions, but we clearly need to make much more rapid and substantial progress if we are to protect consumers properly. The industry is ever-expanding. We have heard that treatments are now available on the high street in places such as Superdrug, but this is not like going to have a haircut. When things are injected into a person’s face, if it goes wrong, it takes a lot longer to fix than letting their hair grow again would. We need to be sure that we are properly looking after consumers, including their safety.

Dr Poulter: I welcome what the Minister has said about wanting to go further with regulation. Historically, the challenge has been other Government Departments pushing back against the position of the Department of Health, which has wanted to protect people—seeing them as not just consumers but people who would be considered as patients in other capacities—and put in place adequate regulation of this sector. I hope that, given the Minister’s interest in this topic, she will be able to take the challenge to other Government Departments, and overcome the out-and-out free-market instincts that are putting people at risk.

Jackie Doyle-Price: I could not agree more with my hon. Friend. He is absolutely right: the priority for us in the Department of Health and Social Care has to be the safety of people undergoing these procedures. Aligned with that, I was pleased to see in the challenge to Superdrug a recognition of the fact that people’s seeking these sorts of treatments can be an indication of dysmorphia and an underlying problem. We need to make sure that all practitioners in this field have the ability to recognise those problems.

Liz McInnes: I also wanted to raise the issue of dysmorphia, which strays into the area of mental health. I am concerned that we seem to be accepting that it is okay for people to want to change their appearance. The issue of body dysmorphia illustrates that people may be asking for these procedures for the wrong reasons, and I question whether somebody on the high street who is not a qualified mental health practitioner is able to determine whether somebody is suffering from body dysmorphia.

Jackie Doyle-Price: The hon. Lady goes to the nub of this issue. We need to achieve an appropriate balance between allowing consumers to choose to embark on procedures that will enhance their appearance, and identifying whether the issue is something deeper. Again, it comes down to how we regulate those practitioners, the codes of conduct that they will sign up to, and the policies that they will put in place themselves. To an extent, the hon. Lady is right: dysmorphia can only be diagnosed by a medical professional. However, there are signs that can be taken into account, that can lead to the person's being asked, "Do you really want to do this? Is this an appropriate procedure for you?" Perhaps there should be cooling-off periods, with bookings being made properly, and customers being advised about the risks that such treatments involve, so that they can make an informed choice. The hon. Lady is right to highlight the growing issue of dysmorphia, which we need to be very alive to.

Melanie Onn: This is a really important point. Even in the realm of plastic surgery, which is a regulated industry, we see grotesque transformations of people's bodies and faces: people having ribs removed, leaving their external organs exposed, or having their entire appearance amended to make them look like a human Ken doll. We know that regulation in that sector is not really working, so can we make sure that in the currently unregulated sector of Botox injections and dermal fillers, we keep a closer eye on such things?

Jackie Doyle-Price: The hon. Lady makes an extremely good point. The worst thing is that the media representation of those quite grotesque transformations encourages us to look on them as entertainment, yet the person we are looking at has no idea, because those transformations are symptomatic of dysmorphia. The media have to be a lot more sensible about their portrayal of these things. My hon. Friend the Member for South Leicestershire mentioned the adverts during "Love Island"; these artificially enhanced images of people are becoming entertainment. I am delighted that in this country we have banned the Brazilian butt lift, which aims to make people look like one of our friends the Kardashians, but even so, people still aspire to look like that.

We can discuss regulation and ensuring that consumers understand the risks, but there is a wider challenge to society in how we celebrate learning to love ourselves. We have talked generally about the pressure that social media creates, which is becoming much more intense, but there is a hell of a lot more to do. Sadly, we could probably debate this issue for quite some time—we do not have the opportunity to do so today—but the debate about cosmetic regulation and making cosmetic procedures safe brings out these questions, which we as a society need to be better at addressing. If we do not address them, these issues about dysmorphia will only get worse, because our young people are faced with an intensity of images that make them want to change their bodies. It is just not good for them.

As there is limited time left, I will bring hon. Members up to date about what has happened since the Keogh review. Sir Bruce Keogh's report identified several areas for change: the principles that underlined it were those of high-quality care, using safe products, administered by skilled professionals and responsible providers to an

informed and empowered public. We still have a long way to go in both empowering the public and ensuring that all such procedures are administered by skilled practitioners. I wholly endorse the demand by my hon. Friend the Member for South Leicestershire that such practitioners should have professional indemnity insurance. It is important that the NHS has the opportunity to recover the costs of repairing procedures carried out by those practitioners, who should bear the risks. As I say, this is not like going to the hairdresser's for a haircut: there are risks associated with such procedures, and those engaged in them should bear those risks.

Updated guidance for doctors about this area has been issued by both the General Medical Council and the Royal College of Surgeons. We have introduced a voluntary certification scheme for surgeons working in the cosmetic sector, and Health Education England is developing a training and qualification framework for providers of non-surgical interventions. A key outcome of the Keogh review was setting standards that anyone who wishes to perform non-surgical cosmetic procedures should meet. To that end, the Joint Council for Cosmetic Practitioners was established, and in April 2018 it launched a register for both medical and non-clinical cosmetic practitioners. That register will provide a framework for regulation, but we need to do much more to encourage non-clinical cosmetic practitioners to sign up to it.

Alongside the Cosmetic Practice Standards Authority, the JCCP released an updated competency framework last September, and launched its education and training register. To receive accreditation on that register, providers offering education and training in these procedures must meet rigorous standards set by the JCCP. We need to work closely with the JCCP to develop hallmarks that people who wish to undergo these procedures can look for, so that they can be sure that they are obtaining treatment from a regulated practitioner. We have heard references to Save Face, which also holds a register for clinical cosmetic practitioners who provide non-surgical cosmetic treatments. Some 600 practitioners are currently covered by these registers, but I am sure that hon. Members from across the House will appreciate that significantly more than 600 practitioners offer these treatments. There is some way to go in ensuring that all those involved in this industry perform to the standards that we can legitimately expect, and that those who are not doing so exit the industry. However, I am sure that my hon. Friend the Member for South Leicestershire will agree that those registers are major steps forward in enabling consumers to make informed choices about cosmetic procedures.

I am grateful to my hon. Friend's constituent for coming forward and telling her story, because probably the best way of helping consumers protect themselves is to have a visual illustration of the risks and someone who can demonstrate their experience. I am very grateful to her for her courage in sharing her story. We need to do much more in the area of public education, to ensure that consumers fully appreciate that there are risks involved in injecting substances into one's face, and to ensure that the person doing so has appropriate qualifications. Botox is obviously a prescription drug, but the person injecting it does not have to be the person who obtained the prescription. That is another thing that we need to address. I can also advise my hon. Friend that we will be making dermal fillers a regulated

[Jackie Doyle-Price]

medical device, which will remove some of the risks associated with them. However, as I have said, there is plenty more to do.

Motion lapsed (Standing Order No. 10(6)).

11.30 am

Sitting suspended.

Special Educational Needs and Disabilities Funding

[SIR GARY STREETER *in the Chair*]

[*Relevant document: Oral evidence taken before the Education Committee on 23 October 2018 on Special educational needs and disabilities, HC 968.*]

2.30 pm

Sir Gary Streeter (in the Chair): Before I call Sir Vince Cable to move the motion for this important debate on special educational needs and disabilities funding, I can report that 12 colleagues have put in to speak from the Back Benches. Therefore, after Sir Vince's speech, there will be a voluntary time limit of three and a half minutes. Please try to contain yourselves a little in interventions; otherwise, we will go well over time.

Sir Vince Cable (Twickenham) (LD): I beg to move,

That this House has considered special educational needs and disabilities funding.

It is a privilege to speak on this subject, which is of immense concern to a large number of us and to our constituents, and that is reflected in the demand to speak. It is rare that we get a Brexit-free zone in Parliament at the moment, but this is one, and it is right that we pay attention to it. Far too many Government problems have been squeezed out by the attention given to a single issue, but how we treat children with special educational needs will have enormous implications for decades to come.

Essentially, I will speak about the conflict between two sets of pressures: an irresistible force and an immovable object. The irresistible force is, of course, the demand of parents of children with special needs, who have been led to believe, by the very progressive Children and Families Act 2014, that their children's needs will be met and their full potential realised through education, health and care plans. The immovable object is money, manifesting itself now in a serious financial crisis for local authorities, which are expected to meet statutory obligations, but find that demand is rising and becoming much larger than the funding available through the special needs block. In some cases, those local authorities are in extreme difficulty.

I will introduce the debate by quoting a parents' group called Richmond SEND Crisis, which wrote to me yesterday, describing the problem from the parents' point of view. The group said:

"The crisis in funding has consequences. It means more stress and mental health issues for both parents and children, parents being forced to give up work, increased levels of family break up, increased levels of children being disruptive in school, failing in school or not being in school at all. It means that schools and the wider school community suffer, as children without proper support tend to absorb a disproportionate amount of time from school staff and may be disruptive in class.

All of these consequences inevitably hit the most vulnerable... families the hardest."

Dr David Drew (Stroud) (Lab/Co-op): Does the right hon. Gentleman agree that one significant change is the growth in home-school education? Given the amount of

time it takes to get an assessment, parents are now just taking their children out of school. That cannot be a good thing.

Sir Vince Cable: Indeed. That is happening on a growing scale, and is augmented by the fact that many children are being excluded because of the lack of support. That, in turn, contributes to home education, which may be inferior.

Tim Farron (Westmorland and Lonsdale) (LD): Does my right hon. Friend agree that the crisis in funding is about not only the overall sum of money but the distribution? Government policy means that schools have to absorb up to £11,000 of the cost of meeting an EHCP. Schools that do the right thing and accept children with special educational needs are therefore punished, and those that do not are rewarded. Does he agree that that is an unfair and wrong distribution?

Sir Vince Cable: Indeed. In addition to the problem facing local authorities, schools in effect pay a £6,000 penalty. Many schools that were committed to inclusion now find that increasingly difficult and are shying away from their obligations.

Mr Jim Cunningham (Coventry South) (Lab): I congratulate the right hon. Gentleman on securing the debate. I fully agree with him about funding for special needs schools. Hereward College in Coventry has struggled with funding for a number of years, and does an excellent job. Another dimension is that children who have mental health problems often go home to a disruptive family life. That is not conducive to their education or mental health. Does the right hon. Gentleman agree that something should be done about that?

Sir Vince Cable: Yes, I do. By mentioning mental health, the hon. Gentleman reinforces the point that I will go on to make. When we talk about special needs pupils, we are talking about significantly different classes of people with fundamentally different problems. Of course, they are all individuals, but we are talking about 1.2 million people altogether in the SEN system—up by about 0.5 million since 2014. About a quarter of them, according to Mencap, have learning difficulties. That actually understates the problem, because Mencap estimates that about 40% of children with learning difficulties are never identified at school.

About 120,000 children are on the autistic spectrum, which is the most rapidly growing and difficult group to accommodate. About 300,000 have attention deficit hyperactivity disorder. Others have a physical disability. I have had correspondence with those with visual impairment problems, who lack equipment, and other groups such as deaf children, who are not included in the SEN categories at all.

We are dealing with large numbers of very different categories of people, but what they have in common is that demand for EHCPs is growing rapidly: it has grown by about 35% over the four years since the legislation was enacted, which is about three times the growth of the school population. It is also three times the amount of funding available through the Government grant allocation.

Stephen Lloyd (Eastbourne) (Ind): I thank my right hon. Friend for securing this important debate. He will be aware that one of the successes during the coalition was our insistence that disabled children need to be educated up to the age of 18. That has been a real game-changer; however, the Government did not make it clear that transport for those children should be paid for; they left it discretionary—some county councils pay for the transport, and others do not, which essentially means that those children have to stay at home. Does he agree that that is an anomaly that the Government need to rectify? Otherwise, thousands of disabled people aged 16 to 18, who should be going to school or in training, because that is what we want them to do, will not have that chance.

Sir Gary Streeter (in the Chair): Order. I remind Members that interventions should be brief.

Sir Vince Cable: My hon. Friend is right; that is one of many anomalies. Many such issues were not properly accounted for and are not being fully funded. I will come to others in a moment.

The consequence of the growing demand is that many local authorities, which are genuinely trying to do their best in most cases, are accumulating large financial deficits. The Local Government Association, which has done lots of research on it, believes that there will be a gap of about £1.6 billion at the end of the next financial year. That is unaccounted for at present.

Some London authorities—I speak as a London MP, but I know that other parts of the country have similar problems—have a shortfall from the high needs block of about 7%. For about six boroughs in London, it is more than 10%. For my borough, Richmond, it is 20%, and I think three others are in an even worse position, including the borough of my right hon. Friend the Member for Kingston and Surbiton (Sir Edward Davey). For his borough, I think it is 40%.

Sir Edward Davey (Kingston and Surbiton) (LD): My right hon. Friend is right that the situation for Kingston is the worst of any London borough. We are spending more than 40% above our allocation, with a potential knock-on to the budgets of schools across the board, and potentially even the solvency of the local authority. Given how serious that is, does he agree that Ministers need to take action now and that we need to talk to the Department of Health and Social Care? The health service is often not paying for the health part of EHCPs.

Sir Vince Cable: My right hon. Friend is absolutely right: those are both key parts of the solution. For example, I have discovered that there are children whose need for wheelchairs—clearly a health requirement—is treated as an educational need. There are many such cases in which the finance sits in silos and is not sensibly dealt with.

Layla Moran (Oxford West and Abingdon) (LD): My right hon. Friend is being very generous with his time, and I congratulate him on securing this debate. My constituent Sally Foulsham, who runs a parent group called SHIFT, is in contact with more than 100 parents. She reports that what most frustrates them is the lack of funding for child and adolescent mental health services,

[Layla Moran]

which is a major block to unlocking the funding that should be available for EHCPs in the first place. Does my right hon. Friend agree?

Sir Vince Cable: Yes. The decline in CAMHS has led to a lot of children not being properly helped at an early stage and requiring greater special needs provision as a result.

To conclude my point about finance, a large number of local authorities are in serious financial trouble, and not just in London—even those that are doing their best and are perfectly competent. Consequently, they have a large financial deficit sitting on their balance sheet. One of their main sources of anxiety is what will happen with respect to Government legislation that treats them as requiring special measures if they do not sort out the problem. At the moment, they are not sure whether to deal with the problem immediately. Perhaps the Minister could advise us what conversations her colleagues in the Ministry of Housing, Communities and Local Government have had about how to deal with the problem.

Mike Hill (Hartlepool) (Lab): The right hon. Gentleman is making a powerful speech. My council, Hartlepool Borough Council, will have a shortfall of £621,000 in its high needs block funding for 2019-2020. Does he agree that our children and schools need a dedicated schools grant that is sustained and reflects local need?

Sir Vince Cable: I am sure that that would be sensible. The hon. Gentleman represents Hartlepool—a very different kind of community from mine in Twickenham—but his helpful intervention illustrates that the problem is felt across the board.

Why has the problem arisen? Why is there such rapid growth in demand, and why is it not being met? There are good reasons and bad reasons. One of the good reasons is that the 2014 Act extended entitlement to special educational needs provision from 18 up to 25. That was a progressive step, but nobody thought about how it would be paid for. Another big biological change is that perinatal and natal mortality has been reduced; that has been a great step in medicine, but it means that there are now many more children who are much loved by their parents but who do need extra help. We are also getting more successful early intervention and diagnosis, meaning that children with special needs are being identified but then have to be helped.

Those are the good reasons. One of the bad reasons is the decline in CAMHS that my hon. Friend the Member for Oxford West and Abingdon (Layla Moran) referred to. Another is the pressure on schools, partly as a result of the minimum £6,000 requirement, and partly because they are having to dispense with teaching assistants—in my area, certainly, cuts are reducing schools' capacity to handle children with behavioural problems. There is also a rapid rise in exclusions. All those things are bringing pressure to bear on the system.

Ruth George (High Peak) (Lab): I have just received figures from my local authority, Derbyshire County Council, that show that children who have special needs but no statement or EHCP are five times as likely to be

excluded as children without special needs, whereas those who have a statement or plan are more than 12 times as likely to be excluded. Does the right hon. Gentleman agree that that is a shocking indictment of what we are delivering for children with special needs?

Sir Vince Cable: It is a shocking indictment, but it brings to the surface the dilemmas that many local authorities face when they are forced into a position of rationing. They are not allowed to describe it as rationing, because they would be admitting to a legal offence that could be held against them in a tribunal, but we all know that rationing takes place.

Rationing happens in several forms. One, which relates to the hon. Lady's intervention, is that local authorities drag their feet with what were once called statements but are now called healthcare plans. I believe that the National Autistic Society says that 50% of parents with autistic children wait more than a year for those plans to appear. In other cases, provision is cut to well below the necessary standard: the Young Vision Alliance draws attention to the fact that one of the casualties of the recent rationing has been the issuing of aids to children with visual impairments, which is becoming a serious problem.

Another device that authorities resort to, although of course they do not present it as such, is refusing residential places. In most cases, inclusion in mainstream schools is much the best course of action, but in other cases residential schools are more appropriate. Yet, authorities refuse to agree to them, so the parents have to become carers while the children sit at home, become socially isolated and are never able to develop properly into adulthood.

The main consequence of the conflict between supply and demand is that more and more parents are having to go to tribunal. There has been a 20% growth in tribunals in each of the past few years, and 86% of parents win them, although perhaps "win" is not the right word—in some ways it is a lose-lose situation. Nevertheless, that is an extraordinary figure. It indicates that many local authorities are pushing parents to tribunal, knowing that they themselves will lose, incurring significant costs—about £34 million a year, I believe—simply as a way of holding off demand that they are legally required to meet.

My concluding section is about solutions. How do we deal with this? First, there is a broad acceptance that children should be kept, as far as possible, in mainstream and maintained schools rather than in more demanding provision elsewhere. That is true for educational reasons—inclusion is a good philosophy and has good results—but it is also more economical. The figures are striking: in mainstream and maintained schools, the cost is about £6,000 more for SEND pupils than for non-SEND pupils, while for maintained special schools the cost is about £23,000 more, and for private special schools it is about £40,000 more. In many cases, the private special schools perform a very important function and are of very high quality, which is clearly why people seek them out, but there is certainly some evidence that those schools are exploiting monopoly provision and taking advantage of local authorities. In some cases, they should be referred to the Competition and Markets Authority.

Notwithstanding that issue, the differential suggests an enormous demand for specialist provision that the maintained sector should cater for, but the trend is in the opposite direction. Last year, for the first time, the majority of special needs pupils were not catered for in mainstream maintained schools—a big backward step that reflects the pressures that I have described.

The second clearly undesirable mechanism being used is shifting the burden to other schools, which unfortunately is happening in my own borough. The council is deeply regretful, but it has had to ask the Department for permission to raid the schools budget because the special needs block is grossly insufficient. That is bad not just in itself, because schools are under financial pressure, but because it sets mainstream pupils against special needs pupils. It is quite wicked, actually—it creates resentment in an area in which we should be united in compassion.

Layla Moran: Is my right hon. Friend aware that the practice is now ubiquitous throughout the country? In Oxfordshire, we have a bizarre situation in which the heads board has refused the extra transfer of money, yet the council is now going to the Secretary of State to override what the heads of local schools believe is the right thing for everyone else. There is an inherent tension around where the money will come from. In the end, it should just be more money.

Sir Vince Cable: Indeed. My hon. Friend graphically highlights the dilemma that I am describing: people acting with very good intentions are now being forced into conflict, in a very damaging way.

That point brings me to the crux of the problem: the Government's role via the high needs budget. I acknowledge that the Government have taken some action—I do not want to be completely grudging. There was an increase of £250 million in the 2018-19 and 2019-20 budgets, part of the special provision announced last year, and that is welcome. However, the LGA has run its ruler over that and has computed that it accounts for about a quarter of the deficit. It is a small step forward. A much bigger step is required.

The second thing the Government can do within existing budget constraints was raised by my right hon. Friend the Member for Kingston and Surbiton. Some money should be diverted to special needs school provision from within the large increase in cash that is being made available to the health service.

We cannot avoid the conclusion that, in the spending review ahead, the Government are simply going to have to review the weight they give to special needs provision as opposed to the normal school funding block, and to be substantially more generous in respect of special needs provision. They have announced that we have come to the end of austerity. Some of us are a bit sceptical, but this is one area where they can prove it.

Several hon. Members *rose*—

Sir Gary Streeter (in the Chair): Order. I see a few more people here indicating that they wish to speak, so I remind Members of the three-and-a-half minute speaking limit. I call Priti Patel.

2.51 pm

Priti Patel (Witham) (Con): Thank you, Sir Gary. I commend the right hon. Member for Twickenham (Sir Vince Cable) on securing what is a really important debate. It is a real privilege to be here today among colleagues to cover the issues of funding. Local authorities, including Essex County Council, are facing real pressures in meeting the needs of pupils, especially those with special educational needs and disabilities. There is no doubt that all of us who visit our local schools and engage with parents and pupils understand where the real pressures lie.

It is important to recognise that the Government have announced additional funding for high needs of £125 million, which is welcome. For Essex, that means another £3.3 million for this and next financial year. The reality is, however, that that is not enough, because of the new pressures caused by the increase in pupils who have additional needs, adding greater burdens and pressure to a local authority that is in a budget-setting cycle at this very time, as all local authorities are. With that comes the challenge of the overspend in special needs funding that Essex County Council is experiencing. A new banding matrix for funding pupils with SEND in special schools is causing a £2.3 million overspend. Increased growth in education, health and care plans is driving an overspend of more than £700,000. In addition, the number of young people in the EHCP category has gone up by 22%.

Local authorities are of course desperately trying to meet their statutory obligations and to find innovative ways of doing so. That obviously includes working across health budgets, which is the right thing to do, and looking at ways in which they can integrate support for care and educational provision.

In total, Essex County Council anticipates a £15 million overspend on the high needs block by the end of 2019-20. The council is investing through its capital programme in new schools, including planning a new autism special school in Witham, which we all welcome and support. In addition to plugging some of the funding gaps, the council has recently asked the schools forum if it would agree to transfer 0.5% of the schools block allocation—approximately £4.3 million—to SEND. Quite understandably, that is going to cause tensions and is causing concern among local schools, and the council has asked the Secretary of State to approve the transfer. Rather than encouraging tensions and anger within our local schools, and leaving the schools and council at loggerheads, I encourage the Minister to take the opportunity to intervene and review the situation, not just by encouraging more financial support, but by encouraging a better way of working so that we can address some of the long-standing issues.

I hope that the forthcoming comprehensive spending review can support local authorities to come together and look at how we can invest in new provision, join up networks and increase integrated provision, so that we can bring education and health more closely together, wrapped around the needs of each pupil. While more funding is needed and is absolutely welcome, we want to maximise the benefits through greater integration of working across local authorities and Government Departments, so that we can give young people the best start in life and so that they can fulfil their potential.

2.54 pm

Ruth George (High Peak) (Lab): When I was elected to Parliament in June 2017, the problems of children with special needs and the struggles that their parents face became one of the major issues in my casework almost immediately. The problems are with the system, which has been framed around funding that does not meet its needs.

In High Peak in Derbyshire, the county council will not look at applications either for graduated response for individual pupil, or GRIP, lower-level funding or for EHCPs until children are at least two years behind academically. Parents and schools who struggle as best they can to support children are punished for doing so if those children achieve and make progress. By the time they get two years behind, they are usually in year 4 or year 5, and then the process of trying to get additional funding from the county council starts. In Derbyshire, that process is taking up to two years, largely because of a lack of educational psychiatrists, who have been cut and cut again.

Schools have to put an enormous amount of time into preparing applications, often for very small amounts of funding. They have to put in £6,000-worth of funding themselves before they even start. One secondary school in my constituency says it has 125 children with special needs who should qualify. They would have to find three quarters of a million pounds from their budget to apply for additional funding for all those children. The school cannot find £7,000, let alone £750,000, after four years of school funding freezes and increases in its costs. Parents are becoming increasingly distraught, seemingly caught in a fight against schools, which are reluctant to put in applications for funding because they know that the majority are refused even after days of a school trying to put a case together as best it can.

In Derbyshire, there is a £727,000 shortfall in our high needs block funding. Our Conservative county council suggested that the funding it got for road mending, at the end of the winter, when it could least be used, would have been more helpful for the children's services budget and education. That might be a case that the Minister could make. Ultimately, we need more funding. I pointed out earlier the number of exclusions that children with special needs are facing. This is a system that is failing them, as well as schools, teachers, and parents.

2.57 pm

Huw Merriman (Bexhill and Battle) (Con): I congratulate the right hon. Member for Twickenham (Sir Vince Cable) on securing this important debate. In my three minutes, I will touch on school funding, school choices and another area that I passionately support.

On school funding, I ask the Minister to focus particularly on recent changes to the allocations between school block, early years block and high needs block. Previously, it was a notional figure that could be switched across blocks, and now the limit is just 0.5%. I am concerned about the knock-on effect, as it creates a perverse incentive for mainstream schools to see children moved out of mainstream into specialist schools. Previously, they would have complained that they would be salami-sliced and would have to pay for that—now, they would not have to. I ask the Minister if it would be possible to see data

on whether that is actually forcing more young people out of mainstream into specialist schools. Mainstream should be where we start. It is where these young people will return to after they have finished school, in their communities and workplace. Anything that creates an incentive away from that is a concern to me.

Alex Chalk (Cheltenham) (Con): Balcarras School in my constituency takes a number of SEND children—more than 20—yet because of a quirk of the system that means it has to pay the first £6,000, it is disincentivised from doing the right thing. Does my hon. Friend agree that it would be helpful if the Government looked constructively at changing that funding arrangement?

Huw Merriman: I do indeed. My constituents living in east Sussex are less likely to be in a maintained mainstream school than children living in any other county around us, so I absolutely agree. The difficulty is that we have received a 3% real-terms cut to school funding in my constituency of Bexhill and Battle. We are at 4,334, whereas the figure is 5,157 in Birmingham, Edgbaston, and 5,123 in Nottingham North. I am afraid that my constituents are worse off living in my constituency. I have some fantastic primary schools that do an amazing job with young pupils with EHCPs, but in reality they are now reaching into a deficit. If it costs an extra £8,000 to £10,000 for those schools to educate those pupils, the incentive is moving away from their doing so.

On school choice, I absolutely support the belief that mainstream is best, but I am very concerned that my constituents are reporting that they almost have to fail in a mainstream in order to get to the school of their choice. As I think has been touched on, there is real difficulty in having a system in which the local authority is incentivised financially to put the child in a mainstream school, the mainstream school is incentivised financially to put them in a specialist school, and independent schools are incentivised to have the pupil in that particular setting. It is no wonder that we end up in a tribunal system as a result. Surely through reform we could have more independent assessment at the very outset, perhaps more informally, rather than waiting for a tribunal.

Finally, I am grateful to the Department for Education for accepting the recommendations of “Autism and education in England 2017”, the report of an inquiry that I co-chaired last year. We made some recommendations, and the Government have listened and announced that they will extend the autism strategy to young pupils in education. That is a great step forward—it is all about the training of staff. My last ask is whether it is possible for every new specialist school to be built within a mainstream perimeter, rather than having the apartheid system that we have at the moment.

3.1 pm

Louise Haigh (Sheffield, Heeley) (Lab): As ever, it is a pleasure to serve under your chairmanship, Sir Gary. This debate could not be more important, because—like all hon. Members—in every surgery I have held since being elected, I have met the parents of children with SEN. Without exception, they are dedicated to their children's future, and many have sacrificed their jobs and careers in order to navigate the labyrinthine systems, which they often feel have been deliberately designed to

prevent them from accessing the support that their child is due. They include the parents I saw last week, whose eight-year-old son has a variety of complex needs but has not been to school for three years, the 12-year-old with autism spectrum disorder, processing disorder and anxiety, who has been out of school for 16 months, and the child who has selective mutism as part of his ASD, whose school is, in his mother's words, "supportive", but frequently uses informal exclusions when short-staffed, as it cannot provide one-to-one support.

None of these types of cases will be unfamiliar to us, and they are all the more heart-breaking in their familiarity. We are normalising the mistreatment of children with special educational needs and, without a shadow of doubt, funding is the primary issue. Sheffield City Council has a deficit of £6 million for the high needs block, out of a total deficit of £8 million for school funding this year. That underfunding manifests itself in a number of ways. First, mainstream schools have less additional and specialist support in place and so are unable to cater for children with SEN. I have had reports of parents going to schools in my constituency and being told explicitly, "This is not the school for your child if he has autism." As there are not enough spaces, more and more parents are choosing to educate their children at home, not truly out of choice, but out of desperation. The cuts to the local authorities have left teams so short-staffed that the availability, quality and consistency of EHCs is really poor.

There are other issues beyond funding. A recent Ofsted inspection of Sheffield found that

"High levels of fixed-term and permanent exclusions result in children and young people with SEND not achieving as well as they should... Good outcomes for children and young people with SEND are compromised by the widespread use of partial timetables for lengthy periods. At the time of this inspection, 70 pupils with an EHC plan and 118 with special educational needs support were on these partial timetables."

When can we expect the Timpson review, and does the Minister recognise the vital role of Ofsted in making our schools much more inclusive?

Finally, navigation for parents needs to be much simpler. Parents need clearer pathways and an understanding of their rights. They absolutely do not receive clear or timely information on the support available for their children and how to access it. One parent said to me, "It is so very wrong that a child who needs more educational support than others gets none at all. The lack of provision is a total disgrace and has created a sub-group of children with special needs and no schooling." Sadly, that is the picture that many parents and children now face. Who could disagree with her?

3.4 pm

Derek Thomas (St Ives) (Con): I commend the right hon. Member for Twickenham (Sir Vince Cable) for securing this debate and giving us the opportunity to speak on such an important issue. On most Fridays, I take the opportunity to visit a local school. Across west Cornwall and the Isles of Scilly, I see great schools. Among those are schools that excel because of their support for SEN. As a result of doing such a great job—we have heard this already—they find themselves attracting more and more parents and their children, and they are then presented with all sorts of funding issues.

There are two things that I want to bring to the Minister's attention—things that I have raised before, but to which I have not had satisfactory responses. First, we have heard about the £6,000 that needs to be found once the educational plan is in place. Secondly, there is a bizarre situation in which a school will be counted—the register will be taken after 1 October, and this will settle the funding for the following April. For a time, a school that has taken in new children will not have any funding for those pupils, but will still have to find the £6,000. If children arrive after 1 October, there will not be any funding for them until up to 18 months later, and the school will still have to find the £6,000 as well as pay for the normal education costs that are incurred. I have asked the Department over and over again to look at how that funding follows the individual child, whatever their needs might be, so that schools really can provide the very best education and the best start for their children.

There are arrangements in place with local authorities and with those who support the funding of academies, but schools are not fully aware of them. I know that schools are not getting the funding to which they are entitled when new children arrive. We must simplify the way that school funding is distributed, particularly for children with special needs. Despite tremendous effort from our schools, I fear that we are at risk of failing many children. They will not be able to live full lives, and their life chances will be curtailed. As others have said, funding for schools and for this aspect of school education should be addressed properly and enthusiastically by the spending review when the opportunity arises.

I want briefly to mention some positive signs of movement towards a proper, sensible approach to the education of children with SEN. Ofsted recently launched a consultation and said that it is now prepared to look more at teaching rather than school results. The consultation finishes on 4 April. I encourage everyone to take part, so that Ofsted can genuinely recognise good schools, even though their attainment might not be quite as good as it could be, in view of the children that those schools support.

The 10-year health plan commits to accelerating assessments for children with SEN. Can the Minister provide us with more detail about that? We would appreciate more detail about how it can be delivered. The 10-year plan also says that there will be the right care for children with learning disabilities. Again, we would appreciate a bit more detail from the Minister about how the 10-year plan will be able to deliver that and what resources can support it.

3.8 pm

Justin Madders (Ellesmere Port and Neston) (Lab): It is a pleasure to serve under your chairmanship again, Sir Gary. I congratulate the right hon. Member for Twickenham (Sir Vince Cable) on securing this debate. It is an important subject and has not had enough attention in the House in recent times. I declare my interest in this matter, as my wife is a cabinet member for children and young people on Cheshire West and Chester Council.

Like other hon. Members, I know how much anxiety this issue causes the families who I see in my surgeries. Too often there is a delay in agreeing that an education,

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health and care plan is needed at all. When it is finally put in place, too often the plan is not delivered in full because the school has funding pressures elsewhere. The situation is distressing for all parties. Parents feel like they have to fight to get a plan for their child and then, once it is in place, fight again to ensure that the funding and support is adequate to meet the needs of their child, which is simply not right. It worries me even more that there are probably other parents out there who do not have the time, money or information that they need to keep fighting for the support for their child, which means that there are vulnerable people across this country who are simply not getting the support they need.

Not every child with SEND has an EHCP; the proportion of children with SEND who have an EHCP remains low. Hon. Members have already talked about Ofsted. I do not always agree with everything that it says, but given that the chief executive acknowledged last year that something was deeply wrong when parents were repeatedly telling inspectors that they had to fight to get help for their children, we know that we have to act. Ofsted concluded that support for children with SEND was too disjointed and too inconsistent, and that diagnoses were taking too long and were often inadequate.

As we have heard, the number of exclusions among children with SEND continues to rise, with the Department reporting that pupils with SEND are up to six times more likely to be excluded, accounting for almost half of all permanent exclusions. That should be a mark of failure. The number of pupils with SEND without a school place has more than doubled in recent years, up to 4,050, whereas it was only 776 in 2010. Perhaps that is why, as Members have asked, more children are being home-schooled—up by more than 40%. Are schools perhaps suggesting that a particular child should be home-schooled to avoid an exclusion or that the school environment might not be the best place if the child has SEND? In short, are parents being forced down that route because they have no real choice? It is a serious question because we now find ourselves in a situation in which many parents of children with SEND feel that the only way to ensure that their child receives the specialist education that they are entitled to is through legal action.

Thousands are taking their local authority to tribunal. In a staggering 89% of cases, the tribunal found in favour of parents, costing local authorities around £70 million since 2014. Such a high success rate at appeal throughout the country ought to send a warning to the Government that something is fundamentally wrong. The situation has got so bad that one group of parents has now launched a High Court legal challenge against the Government's SEND funding policy, demanding that children have access to the specialist educational provision that current budgets are simply not able to fund. There can be no greater indictment of the crisis than the fact that legal action has been sought and a judicial review commenced.

Education is a fundamental right for every child. We should not aim for anything less and should not accept anything less, but I fear we are doing that by default.

When will the Government take action and ensure that all our children are able to benefit from a full and inclusive education?

3.11 pm

Sir Edward Davey (Kingston and Surbiton) (LD): I will start with my four recommendations to ensure that I get them out in time. This is my first request to the Minister: when the Department looks at the high needs block formula, can it look at the historical element, because there is no justification for the allocations? They have simply come from history. Some of them are clearly unfair and my local authority has certainly been hit. Secondly, can the Minister speak to her education colleagues to ensure that capital funding is provided for a new special school in Kingston when the announcement is made shortly? Thirdly, as I said in my intervention on my right hon. Friend the Member for Twickenham (Sir Vince Cable), can we look at the way the NHS contributes to the cost of EHCPs? I have spoken to many headteachers and Achieving for Children in Kingston and it is clear that the health component is coming out of the education component to deal with things such as physio, testing for diabetes, and members of staff in the classroom dealing with the child's health needs, not their educational needs. The bills that the NHS is not meeting run into hundreds of millions of pounds across our country.

My fourth recommendation relates to looking at special needs education and health again in a cross-party way. I speak not only from the experience of looking after my constituents and their children, but as the father of a special needs child who has attended two special schools, and who we now educate at home. In my experience of dealing with the schools and with EHCPs and the process, there is a huge amount of waste, which is a scandal when children are not getting the service that they should, such as CAMHS and so on.

I speak as a governor of a local school. I am very impressed by how maintained state schools are properly held to account for their budgets; but some of the voluntary or private schools, which might be very good, are not properly held accountable for the money that they spend. This might be controversial, but in my experience some of them do not provide the quality of care with the money they are given, partly because special needs are extremely difficult to look at. It is much more difficult to get a proper distribution and proper comparisons because special needs are so broad and heterogeneous, and it is difficult to get a proper statistical analysis, unlike with mainstream schools. It is also difficult because Ofsted does not analyse well enough what special needs schools are doing, so I urge the Minister to look at that problem.

In my constituency in the Royal Borough of Kingston we have a crisis in special needs schools. If I could show the Minister the graph of the London boroughs and their overspending on their allocated formulas, she would see that we are a long way to one end—more than 40% above our allocated funding. If we do not bring that overspending under control—it is partly our job to do so, but we need patience and help from the Government—it will call into question the solvency of the council.

3.15 pm

Vernon Coaker (Gedling) (Lab): The love and care of parents and families with special needs children is humbling; we have all seen that. However, it has come to something—and we have to question ourselves as to how it has come to this—when, as my hon. Friend the Member for Ellesmere Port and Neston (Justin Madders) mentioned, in December's Ofsted report the chief inspector said that something was deeply

“wrong when parents repeatedly tell inspectors that they have to fight to get the help and support that their child needs.”

I get told that regularly; there is no need to be an inspector. All hon. Members present today, without exception, will have taken up cases for constituents. Sometimes we get improvement, sometimes not. I say to the Minister that as a country and as a society, it cannot go on: it simply is not good enough.

By the end of 2020, Nottinghamshire County Council will have a £9.2 million shortfall in its high needs budget. I can cite that. Other hon. Members have quoted other figures, and those figures are real in balance sheet terms. But what does it mean for each and every family and each child? I am fairly articulate, as are all the Members here, but finding one's way through the system and finding the person responsible for making a decision is sometimes an impenetrable task.

There is a funding issue, so the Minister needs to go and bang on the door of the Chancellor, supported by every single Member, and tell him that it is not acceptable for any Government of any colour to be in power with the situation that we have at the moment, when so many families across this country cannot access the support that they need for their child. It is not the sort of country that any of us want to be a part of. We need to do something about it.

3.18 pm

Julia Lopez (Hornchurch and Upminster) (Con): It is a pleasure to serve under your chairmanship, Sir Gary. I thank the right hon. Member for Twickenham (Sir Vince Cable) for securing this crucial debate. I very much echo what the hon. Member for Gedling (Vernon Coaker) has said, particularly about trying to navigate through such complexity when it comes to special educational needs. I appreciate that time is short, so I shall simply echo many of the points raised by other hon. Members about the pressures on mainstream schools in terms of financing and classroom support, the time it takes to obtain education, health and care plans, and the tensions that can be created between schools and councils in meeting statutory obligations to SEND children.

Since my election I have made it a priority to visit each of the 42 schools in my constituency to get to know the school community and its needs. The pressures on special educational needs services have been one of the most consistent themes in my conversations with parents and teachers, and I have highlighted those concerns to the Education Secretary and to the borough's lead for children's services. In Havering we have had the fastest-growing number of children of any London borough for the past few years, and funding has simply not kept up with that changing demography. Redden Court School in Harold Wood, for instance, has three times the national average of students with special educational needs and disabilities. That is more than

50 children with an education, health and care plan. The schools in my constituency are doing a fantastic job at ensuring that SEND children can be educated in the mainstream, but we must take into account the pressure that that can place on classroom staff and resources.

I was pleased by the announcement, before Christmas, of an additional £250 million of high needs funding, of which my borough will get more than £600,000. It is also welcome that the Secretary of State has allocated a £100 million top-up fund for new high needs school places and improved facilities, as well as removing the cap on the number of bids for free schools with special and alternative provisions. However, we must also look at the strain on third sector organisations at pre-school level, which often rely on diminishing local authority funds. Pre-school can be a critical time for getting the right support, and the right diagnosis of any condition, for SEND children before primary education begins. First Step, in Hornchurch, provides many fantastic services to local families affected by autism and other special educational needs. The Prime Minister has indeed promoted that charity's work on my behalf on her own Twitter account. However, pre-school support for autistic children can be patchy, and new difficulties can arise, within the school environment and beyond, as those children grow older. I should be most grateful if the Minister would advise on what she is doing at pre-school level to ensure that parents and schools are equipped with the right support to help children to make the transition into primary education.

3.20 pm

Luke Pollard (Plymouth, Sutton and Devonport) (Lab/Co-op): I thank the right hon. Member for Twickenham (Sir Vince Cable), but I take issue with him on one point: there is something Brexit-related about the debate, because Brexit is masking a crisis in special educational needs. If it were not for the focus of the media and politics on Brexit, issues such as the crisis in special educational needs and disability would be to the fore. More people would be talking about it, and there would be more pressure in Parliament—particularly on the Treasury—to give the Department for Education and the Department of Health and Social Care the funding they need to make things work.

Frankly, kids are being failed by a system that does not have enough money in it, that is too complex for people to navigate, and that is taking too long to get the support kids need. Councils and child and adolescent mental health services need more money, and I support the call for an increase in the high needs block funding. We need to make that case in the comprehensive spending review, as well as to the Minister here, and to make sure that the fantastic staff in mainstream and specialist schools get the support they need.

We should also support parents. In a debate on children's social care, my hon. Friend the Member for Crewe and Nantwich (Laura Smith) told most powerfully a story about one of her constituents, who said:

“I am a warrior, but I just want to be a mum.”—[*Official Report*, 17 January 2019; Vol. 652, c. 1416.]

Parents are fighting every day to get their kids with SEND the support they need. They are struggling with it, and that is why so many kids are now home-schooled. The support is not there in mainstream education—not

[Luke Pollard]

because teachers do not work hard enough to deliver it, but because there is not enough funding. That is why we need it.

Constituents come to my surgery nearly every week to talk about the difficulties. I imagine that the story in Plymouth is no different from the story across the country. There is a crisis in SEND support, and we need to restore the safety net that these kids deserve. If we do not invest in them now, not only will they cost us more in the short term as taxpayers, but we will lose the potential of these young people to deliver benefits in the future; we risk paying more for them throughout their lives. That is why it makes good economic sense to invest in these children and their families now and to make sure they get the wraparound support they need and deserve. We must restore the safety net, and that means funding services properly.

3.23 pm

Gillian Keegan (Chichester) (Con): I too want to thank the right hon. Member for Twickenham (Sir Vince Cable) for securing this important debate. Every one of us in the Chamber is here because we want to fight for children with special educational needs we have met during visits to schools, and for their parents, as the hon. Member for Plymouth, Sutton and Devonport (Luke Pollard) pointed out. Throughout the country every day parents fight for the best for their child, and we want to help them in that fight.

The situation of special educational needs funding in my constituency is particularly acute. West Sussex has a higher percentage of SEN pupils than the national average. For instance, 25% of the children at Chichester Nursery School have special educational needs or disabilities—a huge figure, considering that just 6% of young children in the general population are identified as having them. Meeting those additional needs has been tough on the council's budget. For 2018-19, West Sussex has an estimated £4.9 million deficit in its high needs block. The one-time transfer of 0.5% from its dedicated schools grant has helped plug the gap. I think we all welcome the additional funding, as has been mentioned, but one-off payments cannot be the remedy for the funding pressures that schools face.

West Sussex wants to switch to a long-term invest and save model for its high needs block. Provision in the county—particularly for autism-related support—is chronically lacking. Because of this, the council spent more than £1 million last year sending children outside the county to specialist schools with the right resources. That is an expensive short-term response when the right long-term solution is needed closer to home. It is natural that parents want the best possible education for their children. We have all met constituents who battle to get that and to get the council to fund their child's out-of-county school place. The aim of investing to save is to improve the standards of in-county provision and to avoid costly tribunals and out-of-county referrals. The average cost out of county for West Sussex is just under £44,000 per pupil. The in-county cost is £3,000 to £9,000 per pupil, so the business case is simple. The new centres of excellence will of course incur an initial up-front cost, but that will be offset by the decline in spending on out-of-county provision, which is not even the best provision, as it is so far from home.

West Sussex MPs have already had meetings with the Chancellor and the Education Secretary to discuss a fairer funding settlement for the authority, as well as the benefits of securing additional funding for long-term gains. We look forward to the upcoming spending review, and hope that they will listen to the invest to save plan. It is essential that the funds are available for schools and authorities to support the children who need the most support within the school system. Like many Members, I want sustainable funding, and I hope that the spending review can deliver that.

Sir Gary Streeter (in the Chair): Last, but not least, I call Jim Shannon.

3.26 pm

Jim Shannon (Strangford) (DUP): Thank you, Sir Gary. It is a pleasure to speak in this Chamber on every occasion, as it has been to hear the wonderful contributions made so far by right hon. and hon. Members. I congratulate the right hon. Member for Twickenham (Sir Vince Cable) on obtaining the debate and giving us the chance to participate.

I am taking part because I take an interest in school budgets and in children. Having been consistently cut, school budgets are unable to deliver in the way they have previously. Classroom assistants are losing hours, and the wait to get a statement for a child is getting longer. Instead of treating the meeting of special needs as an obligation, we should look at it as an opportunity to give such children the best possible education to enable them to overcome difficulties and meet their potential. If that is not something that requires additional ring-fenced funding, I do not what does. I look to the Minister to see what she can do about releasing that funding.

There are 49,000 babies, children and young people with life-limiting or life-threatening conditions in the UK, and the number is rising. Most of those children have complex health needs. They need constant care and support 24 hours a day. Most will also have a special educational need and/or a disability. The success of the system depends on whether there is equitable and sustainable funding for children's education, health and social care provision. With great respect, that does not seem to be the case.

In the short time I have available, I want to mention a briefing from Together for Short Lives, which says that respite breaks are a part of the system that is not working. Seriously ill children and their families rely particularly on frequent short breaks for respite, which is provided by skilled people, who can meet the children's often complex health needs. It may be for only a few hours, but it can be overnight or for a few days at a time. It is important because the 24/7 pressure on parents of having a child with a life-limiting condition is immense. Social care is vital to help them relieve the stress, catch up on sleep, spend time as a family and do the things that other families do. Frequent short breaks for respite for seriously ill children combine health and social care. They help to maintain children's and families' physical and mental health. Respite care is immensely important. The short breaks provided by children's hospices can help to reduce stress and mitigate the risk of parental relationships breaking down.

There are some incredible statistics from research involving 17 children's hospices in England and Scotland: 64% of divorced or separated parents cited having a child with complex needs as a reason for the breakdown of their relationship. Furthermore, 75% had had no access to short breaks, and 74% rated short breaks as having a direct, positive effect. Short breaks are necessary to help families regain some balance in their lives. Couples whose relationships were identified in the research as "non-distressed" were found to have received 43% more hours of short breaks on average from a children's hospice than those who were in distressed relationships. Quite simply, respite care makes a difference. The facts are clear. If we deal with children's needs in this way, there will be a lifelong benefit not simply to the child but to the entire family.

Just as they did for adult social care, will the Government review how social care for disabled children in England is funded? Will they address the £434 million shortfall in funding for social care services for disabled children that has been identified by the Disabled Children's Partnership, by setting up an early intervention and family resilience fund? Intervention at that stage will provide benefits at later stages, and if we invest now to improve the quality of life of those who are most vulnerable and struggling the most, it will be worth every penny.

Sir Gary Streeter (in the Chair): I thank colleagues for complying with the voluntary time limit. It is now time for the Front-Bench speakers, but let us remember to leave Sir Vince Cable one minute at the end to respond to the debate.

3.30 pm

Marion Fellows (Motherwell and Wishaw) (SNP): It is a pleasure to serve under your chairmanship yet again, Sir Gary, and I congratulate the right hon. Member for Twickenham (Sir Vince Cable) on securing this important debate. Hon. Members will not be surprised to hear that I will not reiterate what others have said or mention individual Members, but I will give the Scottish perspective on this issue.

In Scotland, like here, we believe that all children and young people deserve to receive the support they need to reach their full learning potential. The Scottish system focuses on overcoming barriers to learning and on "Getting it right for every child", known as GIRFEC. Children and young people should learn in the environment that best suits their needs, whether that is a mainstream or special school setting. Some 97% of children in Scotland who need additional support are educated in mainstream schools, and the Education (Additional Support for Learning) (Scotland) Act 2004 places a duty on education authorities to identify, provide for and review the additional support needs of their pupils. Local government financial statistics for 2016-17 show a 0.3% increase in real-terms spending on education, and £610 million of that was on additional support for learning—a real-terms increase of 2.3%. Teacher numbers have also increased, as have numbers of support staff.

Despite challenging circumstances, children and young people continue to achieve, and in 2016-17, 87% of school leavers with additional support needs had a positive follow-up destination—a 5% increase on 2011-12. The Scottish credit and qualifications framework highlights

an interesting statistic, because 69% of school leavers with SEN left school with one or more level 5 qualifications. That is important for people with special educational needs, because such achievements help their employment possibilities and give them and their parents a far better sense of worth.

The 2004 Act places a duty on education authorities to identify, provide for and review the additional support needs of their pupils, including those with dyslexia. The Scottish definition of dyslexia has been developed by the Scottish Government, Dyslexia Scotland, the cross-party group on dyslexia in the Scottish Parliament, and a wide range of stakeholders.

Members have mentioned autism, and in 2018 the Scottish Government published "The Scottish Strategy for Autism: Outcomes and Priorities 2018-2021". That document sets out the priorities for action to improve outcomes for autistic people, including support for improved educational outcomes for children and young people with autism. The SNP understands the importance of autistic people and their families being understood and welcomed within their communities.

The budget passed recently in the Scottish Parliament helps with concessionary travel schemes that allow disabled people to access education and employment opportunities, and Companion Cards are given to parents or carers to help with that.

With new powers over disability benefits coming to the Scottish Parliament, a Scottish social security agency—Social Security Scotland—has been established, with dignity and respect at its heart. The Scottish Government will maintain disability benefits, not cut them, and ensure that they remain universal, rather than means-tested. In Scotland, the carer's allowance supplement is available to those who care for people who are sick or disabled, and it puts an extra £442 into carers' pockets, which is important for parents who have children with special needs. I received an interesting briefing from the Association of Educational Psychologists, which is concerned that local government funding and changes to school funding arrangements are preventing it from doing its job as well as it would like.

I am a member of the Education Committee, and we are conducting an inquiry into special educational needs and disabilities. I have listened to the concerns raised by hon. Members this afternoon, including on issues that have been considered by the Committee. We have taken evidence from children and parents, local authorities, schools and other interested parties, and we look forward to more input from hon. Members here today. I look forward to the eventual publishing of the Committee's report and recommendations, and to an effective Government response. In that regard, I urge the Minister to look at the good work being done in Scotland.

3.35 pm

Mrs Emma Lewell-Buck (South Shields) (Lab): It is a pleasure to serve under your chairmanship, Sir Gary, and I thank the right hon. Member for Twickenham (Sir Vince Cable) for securing this debate, and all hon. Members who have spoken today. Children and adult learners with special educational needs and disabilities are being failed by this Government. Competition instead of collaboration has harmed our education system, and the fragmentation and marketisation of education has

[Mrs Emma Lewell-Buck]

left gaping holes in provision, accountability and support. The crisis in our education system of recruitment, retention and cuts across the board is impacting everywhere, but nowhere more starkly than in the arena of special educational needs and disabilities.

That view is shared by an army of parents, carers, children, learners, schools, colleges, universities, teachers, healthcare professionals, local authorities and a number of cross-party groups in the House. The reforms that led to this shambolic and damaging situation are rooted in the early years of the coalition Government, and summed up well by the then Education Secretary, who stated that the aim was to remove the “bias towards inclusion.” In other words, it was a move no longer to consider special educational needs as an intrinsic part of every learning environment—even though that has been proven to improve learning outcomes for disabled and non-disabled learners alike—but to start treating them as an add-on.

It is little wonder that in 2016 the United Nations expressed concern that for the first time in 25 years, more children with special educational needs and disabilities are being educated outside the mainstream, and that the Government have developed a dual education system that unnecessarily segregates children with disabilities to special schools, rather than providing for them sufficiently in mainstream schools. The following year the United Nations stated that this Government were guilty of

“grave or systematic violations of the rights of persons with disabilities.”

The cultivation of that hostile environment has had dire, lasting effects on children and learners with SEND. The rushed reforms introduced in the Children and Families Act 2014 have created a postcode lottery of variable provision, and many children with SEND continue to be let down. During the passage of that Act, Labour Members warned that unless the proposed reforms were properly funded and proper demographic modelling carried out, the reforms would fail—and fail they did.

As we heard from my hon. Friend the Member for Ellesmere Port and Neston (Justin Madders), Her Majesty's chief inspector of education, children's services and skills concluded last year that overall provision remained “too disjointed and too inconsistent”.

That inconsistency comes from the lack of adequate funding. Schools have had £1.7 billion cut from their budgets since 2015. In a recent survey by the National Education Union, 94% of respondents confirmed that the cuts were having a negative effect on the support that schools are able to give to SEND pupils. The £365 million announced in December 2018 to help local authorities create new places or improve facilities for SEND pupils is a one-off cash injection, not the sustainable funding that people are crying out for, and it does not close the shortfall in local authority funding for SEND support that the Local Government Association identified at £472 million.

Recent steps to ring-fence SEND funding represent an inflexible policy, as the strict rules mean that only 0.5% of a school's overall budget can be transferred to the high needs block. The policy isn't working, as evidenced by the 43 local authorities that have appealed, asking for it to be relaxed to meet their local need. Can

the Minister explain why a large majority of the successful appeals have been in Conservative-led authorities? This is a toxic combination of a misguided policy direction and savage cuts across the board to health and other support services. A recent survey from the National Association of Head Teachers found that 83% of heads are not receiving any funding from health and social care budgets to support pupils with SEND statements, and 94% have reported that they are finding it harder to resource the support required to meet the needs of pupils with SEND than they did two years ago.

The best intentions, will and desire of parents, local government, teachers and health professionals to do the best for learners with SEND are not being matched by the Government. In 2017, more than 4,000 children with SEND were left without a school place. Nearly 9,000 children have had their existing statement or education and healthcare plan taken away from them—not because they have moved school or have left school, but just because they have been denied the support that they were previously deemed in need of. The number of children with SEND statements in alternative provision has increased by more than 50%, and the number of children facing fixed-period, permanent or even illegal exclusions remains disproportionate compared with their peers. They account for half of permanent or fixed-period exclusions.

Some are lucky enough to get a plan, often at the end of a difficult and fraught process for them and their parents—a point made articulately by my hon. Friends the Members for High Peak (Ruth George), for Sheffield, Heeley (Louise Haigh) and for Plymouth, Sutton and Devonport (Luke Pollard)—but many of those plans are flawed or substandard. Ofsted and the Care Quality Commission found that access to therapy for children in adolescent mental health services was poor, and progress was minimal in implementing a co-ordinated service for those with SEND.

After the SEND reforms, the number of costly appeals against education, health and care plans rose to more than 4,000, and the number of tribunals almost doubled to 1,600, but that is likely to be only the tip of the iceberg. As my hon. Friend the Member for Gedling (Vernon Coaker) noted, many parents do not have the time, energy, financial support or the opportunity to navigate that difficult legal action. The fact that almost nine out of 10 appeals are successful at tribunal confirms that there are serious flaws in the system.

It is not just children who are being short-changed. College principals have also warned the Government that support for learners over 19 is now being met by already stretched college budgets and is completely unsustainable. Some 16 to 19-year-old students with SEND are being charged up to £1,500 a year for their transport. Since 2015, university students have been required to pay a £200 contribution towards the cost of essential equipment for their study.

Behind all those statistics and figures are children and learners who just want access to education, which should be a fundamental right for all, no matter who they are, where they are from or what their circumstances are. Hopefully, when the Minister answers my points and those that other hon. Members have made, she will explain why, under her Government, that fundamental right does not apply to those with special educational needs and disabilities.

3.43 pm

The Minister for Apprenticeships and Skills (Anne Milton): It is a pleasure to serve under your chairmanship, Sir Gary. I congratulate the right hon. Member for Twickenham (Sir Vince Cable) on securing this debate, and I thank him for the constructive tone that he adopted in his opening remarks.

Provision for children with special educational needs and disabilities, and the support available for their parents and families, has been a particular concern for me since I was elected in 2005. Governments of all political persuasions have struggled to get it right.

The right hon. Gentleman spoke about the success of the Children and Families Act 2014, and pointed out some of the issues that have arisen. I was a Minister in the Department of Health when we were doing the early work on it. Much of what was done at the time was the right thing to do, but we must now resolve some of the issues that have arisen from that. Many—but not all—of the issues relate to funding. Many local authorities and schools are having to work very hard to make the best use of the resources available, particularly in supporting those children and their families.

I want to put on the record some of the things that we have done. We have prioritised funding for schools, and increased funding for high needs from £5 billion in 2013 to £6 billion this year—a 20% increase over five years. In December we allocated an additional £250 million funding for high needs, and in the next financial year we will ensure that every local authority will get a share of that additional funding. Across England, funding for high needs will rise to £6.3 billion in 2019-20. We have also announced an additional £100 million of capital funding to create new places and improve facilities for children and young people. That will take our total investment between 2018 and 2021 to £360 million.

We will invest in more of the new special schools that are needed locally. Sixty-five local authorities have applied for funding to build special and alternative provision free schools. We are currently looking carefully at those requests and will go ahead with all bids that meet the criteria and are of good quality, so that local authorities have the specialist provision they need. We are hoping to notify local authorities before Easter. I recognise that although that additional support is welcome, it will not provide a complete answer to the funding pressures that local authorities are reporting to us. We are preparing for the spending review with that in mind.

We have reformed the funding system and have introduced a new formula allocation to make the funding for those with high needs fairer. We introduced the national funding formula after extensive consultation. It marks an historic change to the way that we distribute education funding—one that previous Governments have long avoided. The formula that we use to allocate high needs funding uses a range of factors, including low attainment, deprivation and health factors, to direct funding to where it is most needed.

The formula ensures that the funding changes from year to year and takes account of changes in the overall population of young people and children, which the system it replaced did not. The formula also includes a substantial element of funding based on local authorities' past spending, to reflect the fact that there are factors driving costs that depend on local circumstances and

cannot be linked directly to the population and other characteristics represented in the formula. The formula also includes a funding floor to guarantee an underlying increase in high needs funding from this year to next year, subject to population and pupil or student number changes. Although the national funding formula is a significant improvement in the way that we distribute high needs funding to local authorities, we will keep it under review.

Sir Edward Davey: Is the Minister able to tell me, either today or in writing, how the historical spend factor in the formula was set? I understand what history is, but it needs a justification.

Anne Milton: I will make sure that the right hon. Gentleman gets a letter on that point.

We want to ensure that the design of the funding system works in mainstream provision. The hon. Member for Westmorland and Lonsdale (Tim Farron) raised the issue of perverse incentives, as did my hon. Friends the Members for Bexhill and Battle (Huw Merriman) and for Cheltenham (Alex Chalk), who has raised this issue with the Secretary of State. There is an expectation that mainstream schools pay for the cost of SEND support—up to £6,000 from their core budget—before accessing additional top-up funding from the local authority. We are very aware that that arrangement is deterring schools from meeting the needs of pupils with special needs.

A number of issues were raised in this debate. My hon. Friend the Member for St Ives (Derek Thomas) talked about the life chances of those young people and referred to proposed changes in Ofsted inspections, which are very important. I am the Minister with responsibility for post-16 further education, and I know what a brilliant job further education colleges do. As the hon. Member for Plymouth, Sutton and Devonport (Luke Pollard) said, getting education right early in a child's life saves money and, in some instances, much heartache further down the line.

I point out to the shadow Minister that discretionary bursaries are available for transport, although I know that that is an issue for some local authorities. I do not recognise all that the shadow Minister said, which is disappointing, bearing in mind the consensual tone of the debate. I think that we all share and acknowledge the problems that families and their children face. There is no one system that works for every child. I remember that when I was elected in 2005, the whole issue of inclusion was much debated. Inclusion is positive, but it is not always the right answer for children or their families.

Home schooling is without doubt the option that some parents choose if their child's needs are not being met. The hon. Member for Sheffield, Heeley (Louise Haigh) mentioned increase in demand for EHCPs and the issue of transport costs, while the right hon. Member for Kingston and Surbiton (Sir Edward Davey) raised the issue of the NHS not paying for the health part of the EHCP. When I was a junior Minister, bringing health and care together was at the heart of discussions. My right hon. Friend the Member for Witham (Priti Patel) talked about wraparound provision, which is exactly what the changes to the 2014 Act were meant to ensure.

[*Anne Milton*]

The hon. Member for High Peak (Ruth George) talked about the fight that parents face—as if they do not already have enough to manage. The hon. Member for Sheffield, Heeley talked about navigation of the complex system. It is a complete nightmare for parents who, as I said, already have a lot on their plate. There are right hon. and hon. Members present who are members of the Government—my right hon. Friend the Member for Portsmouth North (Penny Mordaunt) is one—and who have an interest in this subject. If House convention had allowed it, they would have raised particular points, because this issue is shared by many.

My right hon. Friend the Secretary of State for Education—

Mrs Lewell-Buck: Will the Minister give way?

Anne Milton: I will finish because I do not have much time. My right hon. Friend the Secretary of State for Education indicated that, alongside our announcement of additional funding for high needs in December, we will shortly launch a call for evidence to build our understanding of the current arrangements and the problems that they create. Money matters, but how it is spent matters as well.

Mrs Lewell-Buck: Will the Minister give way very briefly on that point?

Anne Milton: I do not have time, sadly.

We have established a new special educational needs and disabilities system leadership board. Effective joint commissioning is key to meeting some of the challenges of high needs funding, and the board will focus on improving local joint working and strategic commissioning to help address some of the problems highlighted in Dame Christine Lenehan's review into the experiences and outcomes of children in residential special schools and colleges.

Drawing on good practice, the Local Government Association has done good work and has published a report from the Isos Partnership that highlights how local authorities can work collectively and collaboratively with families, schools, colleges and others to make the best use of the available resources.

As the term suggests, children with special educational needs are indeed special, as are their families. I have dealt with some very poignant and tragic cases in which the family simply felt unable to continue to care for their child. The impact of care can often be very difficult for siblings in those families, and we have heard that marital breakdown often ensues. There is additional investment, but the call for evidence is much needed, and I am sure that hon. Members will want to contribute to it. The Secretary of State is determined to get this right. The invitation from the right hon. Member for Kingston and Surbiton for cross-party work is well made and much welcomed, particularly in the light of his personal experiences of caring for a child with special needs.

The hon. Member for Gedling (Vernon Coaker) talked about the humbling experience of hearing stories from parents. Before I leave the remainder of the time to the

right hon. Member for Twickenham, I would just like to say that I feel exactly the same. It is humbling to hear the stories of parents who struggle to navigate the system and who often have to fight local authorities. We know that in some areas provision is better, and that local authorities are doing a good job.

Finally, collaboration and joint working between health, care and teaching is what will make this work. There will always be funding constraints, so it is extremely important that we make sure that those collaborations are in place, to stop the parents of those children from facing such a terrible fight.

3.55 pm

Sir Vince Cable: I thank the 13 Members who have contributed to the debate, which was very rich in content. They all pointed in pretty much the same direction, regardless of region of the UK or political party. We heard plenty of examples of the extreme tensions that parents face because of the pressures of special needs, and how so many of them have been disappointed.

I was struck by the example that the hon. Member for High Peak (Ruth George) cited of children being kept waiting and falling two years behind in their learning before they are even assessed. There are many similar cruelties and disadvantages of that kind. We also heard many examples of the pressures on schools. The Minister acknowledged the point raised by several hon. Members about the £6,000 hurdle—the perverse incentive—and although I did not hear in her speech whether she was going to change that, she at least acknowledged the problem and recognised that much of it is hidden by home schooling, which is growing rapidly.

Several Members from different parties mentioned how their councils—of different kinds—are being put into serious financial difficulties as a result of the problem. Worst of all, councils, schools and parents are reduced to fighting and blaming each other for what is actually a collective problem. The aim of the 2014 Act was to deal with all this in a consensual way, and to focus on the needs of pupils, but the issue has become a cockpit of conflict—manifested in the tribunals system—which is growing rapidly and becoming increasingly costly, both emotionally and financially.

To conclude, I wish to acknowledge some of the constructive thoughts in the debate. The hon. Member for Bexhill and Battle (Huw Merriman) talked about creating an intermediate triage system for picking needs up early before the formal assessment process is completed. The hon. Member for High Peak and others suggested that we could focus on getting more information to parents about their entitlements, to avoid their missing out or finding out too late in the day, and on changing Ofsted's terms of reference, so that it incentivises rather than penalises inclusion, as is very often implicitly the case in its rating system. We also heard suggestions from my hon. Friend the Member for Kingston and Surbiton (Sir Edward Davey) and others about how the funding formula should be changed and how we could make more use of flexibility between health and education.

All that ultimately comes back to—I know that the Minister is painfully conscious of this—more money and the spending review. I know just how fraught that process is because I have been the head of a spending Department, but I can do no more than wish the

Minister well and say on behalf of us all that we basically want a significant enhancement of special needs provision—alongside schools, not at their expense.

Finally, I will quote what I thought was one of the more memorable phrases. The hon. Member for Gedling (Vernon Coaker) said that parents just want to stop fighting and get on with being parents. I thought that was a very good way of summarising what we are all trying to say.

Sir Gary Streeter (in the Chair): May I break a few rules by saying from the Chair that I strongly support the broad thrust of the debate? I very much hope that our Government will sort this out in the next 12 months. [HON. MEMBERS: “Hear, hear.”] That is the end of me chairing.

Question put and agreed to.

Resolved,

That this House has considered special educational needs and disabilities funding.

Seasonal Agricultural Workers Scheme

[ALBERT OWEN *in the Chair*]

3.59 pm

Alex Norris (Nottingham North) (Lab/Co-op): I beg to move,

That this House has considered the seasonal agricultural workers scheme.

I represent a particularly urban part of one of the UK’s biggest cities, so why do I want to talk about agriculture? That is because the issue, as much as it is about food and food security, especially after Brexit, is about slavery.

Since my election in 2017, I have been proud to play my part in highlighting, combating and working to eradicate the appalling scourge of modern slavery. I work alongside Members from all parties on the Select Committee on Home Affairs, hon. Friends from the Co-operative party, colleagues from the Commonwealth Parliamentary Association, and friends at FLEX—Focus on Labour Exploitation—the Human Trafficking Foundation and the rights lab at my alma mater, the University of Nottingham. I have been proud to use my place in the House of Commons to do so.

I am joined in the Chamber by my hon. Friend the Member for Gedling (Vernon Coaker), the chair of our all-party parliamentary group on human trafficking and modern slavery. We will continue to raise the issue, because slavery is a disease, pure and simple. It is much more widespread than people would ever countenance, it is appalling and it impacts on and blights lives throughout our communities, but all too often it is hidden from view by a deadly combination of fear, shame and circumstance.

Nevertheless, despite the scale of the challenge, I remain confident that we can achieve the goal of stamping modern slavery out in its totality by 2030. That will necessitate identifying, challenging and eradicating sources of slavery at home and abroad. It is also vital that, as we fight existing sources of slavery, we do not unwittingly create new opportunities through decisions that we make. That is why I am in the Chamber today.

Gareth Snell (Stoke-on-Trent Central) (Lab/Co-op): I congratulate my hon. Friend on the immense amount of work that he and our hon. Friend the Member for Gedling (Vernon Coaker) do on modern slavery and preventing it in this country. Does he agree that the seasonal agricultural workers scheme proposed by the Government could, because of the way it is set out, create greater opportunities for modern slavery to exist, and that one way to tackle that properly would be to ensure that every worker brought into the UK under a seasonal scheme is given access to a trade union, and clear and comprehensive knowledge of what their rights are and how to enforce them?

Alex Norris: I thank my hon. Friend for his intervention and for his commitment to this agenda. I share his view, and it will not surprise him to hear that I will address that shortly. As he said, it is vital that we do not inadvertently create new opportunities.

[Alex Norris]

As formulated, the seasonal agricultural workers scheme, or SAWS, presents a significant risk of creating slavery. In theory, SAWS offers fruit and vegetable farmers a route to alleviate labour shortages during peak production periods by employing migrant workers for up to six months—but that is a tale as old as time, frankly. The pilot will start this spring and run until the end of 2020. For migrant workers, it represents a chance to improve their lives, but it carries the risk of workers being treated as a disposable asset, creating a recipe for exploitation.

Several hon. Members *rose*—

Alex Norris: I have never been so popular.

Jim Shannon (Strangford) (DUP): My constituency has a large agri-food sector, which has a real need for agricultural workers coming in to bring in the vegetables so that the factories can process them, selling them throughout the United Kingdom and further afield. Does the hon. Gentleman agree that we need some sort of scheme in place to provide that important protection and, in doing so, enable the factories in my constituency and others to do the job that they want to do and export their products?

Alex Norris: I agree with the hon. Gentleman. After Brexit, we have a chance to reform our migration system, but we have to ensure that we still meet the needs of our growing industries. I am about to highlight the fact that the soft fruit production industry has doubled in size over the past two decades. We have to move and to keep pace with that, building in the regulation to make things work.

Priti Patel (Witham) (Con): I thank the hon. Gentleman for securing this debate. He is right to express legitimate and long-standing concerns about modern-day slavery. Wilkin & Sons is an outstanding soft fruit production company and manufacturer in my constituency. Does he agree that other businesses, and in fact the Government, could learn best practice from how such businesses have conducted their own seasonal agricultural workers schemes in the past?

Alex Norris: I very much recognise what the right hon. Lady is saying. Only this morning, during Business, Energy and Industrial Strategy questions, I mentioned the example of Hermes and the GMB which, while untangling the difficulties in the so-called gig economy, have gone ahead of the Government and this place by building their own regulations, which work for both employer and employee. That is wonderful and where it happens, such as in the example she suggested, we should highlight and be proud of it.

To be clear, I do not wish to prevent the seasonal agricultural workers scheme from running—it is important—but I want to ensure that we get honesty in the debate and that the workers who will be at the heart of the scheme get a fair deal and are heard. I feel that I ought to use my place here in support of that.

Tim Farron (Westmorland and Lonsdale) (LD): The hon. Gentleman is making a hugely significant point. I agree with him that the scheme has great benefits, but

does he agree that, as well as risking potential slavery, a six-month scheme is so restrictive that many people will simply choose to go underground? The Government are setting themselves up for that to be a serious problem. Does he also agree that for many other industries—the 10,000 people working in hospitality and tourism in Cumbria, for example—that kind of option is neither available nor even proposed? That will have a huge impact on the economy in communities such as mine.

Alex Norris: Many of the technical points about the scheme, such as those that the hon. Gentleman has made, will be seen in the pilot. We will have to test that and see the evaluation. I am interested to hear from the Minister how much that evaluation will be shared with all of us, so that we can have a say. Moving beyond agriculture, I know that other Members have an interest in the tourism sector, so if they wish to intervene at any point, I will be happy to accept.

There are real dangers in the scheme. Looking at history, a seasonal agricultural workers scheme ran from the second world war until only six years ago. It was not perfect: there were examples of abuse, the minimum wage being dodged, workers being misled about available work and recruiters purposefully over-recruiting. I have pressed the Home Office on this, so I know that

“ensuring the protection and wellbeing of participating migrant workers is of primary importance”,

but part of this debate is about wanting to know how that will be so and what safeguards and accountability will be in place.

John Howell (Henley) (Con): I agree with what the hon. Gentleman is saying about workers’ rights, but is he aware that in 1961 this country signed a treaty produced by the Council of Europe to give all workers the proper rights within their countries? That is still in force, despite the wealth of European Union legislation that has come in since. Will he hang on to that as a hope for the future?

Alex Norris: Those protections are in place, although we have seen that they have not been enough in the past. In the 50 or so years since, it is important that we have built on them.

Kirstene Hair (Angus) (Con): The hon. Gentleman might be aware that I have a significant soft fruit industry in my constituency. When I visit my farmers, I see migrants who have come over year after year. I met someone in a packhouse who had been there for nine years consecutively, working their way up into their role. If the conditions were particularly hard, people would not come back year on year.

Alex Norris: I thank the hon. Lady for highlighting that and for adding to the debate with her experience back home. Those are exactly the sort of things that we should weave in to how we proceed in future.

To put ourselves in the place of people who wish to enter the scheme, and so seek insecure and relatively low-paid work in this country, it is reasonable to expect that they would not have ready access to funding or the hard cash to pay for, for example, a visa, their flights, any recruitment fees, medical costs and other associated

fees. The likelihood is therefore very high that, in order to get a better income for themselves and their families and to start a better life, they would be forced to seek a loan—

Helen Whately (Faversham and Mid Kent) (Con): I thank the hon. Gentleman for giving way—although I did not mean to interrupt him mid-sentence. I have one point to make. Those of us with significant soft fruit farmers in our constituencies are calling for a seasonal agricultural workers scheme to ensure sufficient labour. At the moment, one of the challenges for the industry is that workers have choices of where to go, so we are competing with other countries to attract them. Workers will therefore only come to this country if there are good opportunities and working conditions for them. It is important for us to offer good working conditions and extend the hand of welcome to seasonal workers who come to the UK.

Albert Owen (in the Chair): Order. The Member in charge is being very generous in allowing interventions from a number of people, but I warn him that I want to give the Minister the chance to give a comprehensive response to the debate. Could he please bear that in mind? I notice that he has a number of papers in front of him that he may wish to go through.

Alex Norris: A couple of them are just for you to autograph to put on eBay, Mr Owen. I am sure the Minister will not mind my gobbling a little of his time so his colleagues may make interventions.

The point raised by the hon. Member for Faversham and Mid Kent (Helen Whately) makes my heart bleed a bit. By raising our standards—whether on pay, accommodation or the nature of work or management—to ensure that we attract those workers, we would make Britain a beacon that would attract the best. That can be only a good thing. It would mean the market was working well, and I would be keen for that to happen.

I worry about sources of money. People like us go to banks to get loans; too often our constituents go to loan sharks. The people we are talking about are likely to enter debt bondage. A recruiter offers the chance to enter the scheme and says, “Don’t worry about the upfront cost and your flights,” but that turns into an inflated or artificial debt that people never actually work off. That happens around the world, but in our country, too, there is a very live risk. It cannot be right that about half the victims of forced labour in the private economy are in some sort of debt bondage, according to the International Labour Organisation. We must not defer our responsibility as a country for ensuring that that does not happen to whichever recruitment firms we work with. We cannot give away our responsibility.

Bill Grant (Ayr, Carrick and Cumnock) (Con): I share the hon. Gentleman’s concerns about slavery and allowing gangmasters to flourish in any migration system we create. To temper that, among Ayrshire vegetable growers there is a great relationship between the employer and the migrant worker on accommodation and rates of pay. Surely, we need to encourage a system to ensure that that continues to thrive, for the benefit of the industry and the individuals who choose to work in the UK.

Alex Norris: The hon. Gentleman gives an example of something else that we should seek to build on. We should not think that the fears that I am raising apply across the industry to all employers—far from it—but where it does happen, it is exceptionally serious and we should want to tackle it. The scheme that ran until 2013 would cost workers often more than £10,000 for their jobs. Overcoming that challenge is a matter for the state and not just about good commissioning or contracting.

The Gangmasters and Labour Abuse Authority will play a very important role. As colleagues have highlighted, the GLAA has 123 members of staff in the entire country, who are tasked with licensing gangmasters in agriculture, horticulture and shellfish gathering. They oversee the entire labour market to protect workers from modern slavery. Those 123 people must be very talented. There is no proposal to increase the number of staff as part of SAWS. They will be expected to license and monitor overseas labour agents from anywhere outside the EU. How are they likely to be able to do that? I hope the Minister will address that in his reply.

Under the previous iteration of SAWS, workers reported utter deprivation due to low hours, bad weather affecting their work, and being paid less than the minimum wage and being unable to afford to fly home. That situation cannot be repeated, because workers in the scheme rely on their employer for all their necessities: accommodation, transportation, food and information. They will not have access to public funds. People may face a choice between remaining in an abusive situation and becoming destitute. None of us would want to be in that situation. The Government need to ensure that individuals who enter the scheme will have access to support to leave their situation if they are being exploited.

Debt bondage and entrapped workers are the two risks that I am most concerned about, but there are other issues, too. My hon. Friend the Member for Stoke-on-Trent Central (Gareth Snell) said that, because migrant workers by definition are here for a short time, they are less likely to know their immigration and employment rights. Therefore, they are less likely to be able to identify abuses. We will all have heard extraordinary stories of car washes, where individuals who are liberated from their slavery find out that the minimum wage is three or four times what they are paid. They did know they were being exploited; they just thought that was what happened. The only information they had access to led them to think that was the case.

We should draw on the trade union movement. I thank Unite for its support in preparing this speech; it has proposed a series of things to work well alongside the scheme to help to organise these workers. I hope the Minister will look at that. Not speaking English puts people at risk of abuse, and those who are not here for long are not likely to develop language skills. Let us make sure that rights advice and support is available in the UK beyond the current limited multilingual support.

Matt Warman (Boston and Skegness) (Con): Very often, the people who abuse workers are from the workers’ own communities. This is as much about ensuring that police have access in the ways the hon. Gentleman describes, as it is about talking to those communities.

Alex Norris: Slavery operations are incredibly sophisticated, while also being simple: people from the same place who speak the same language take a person

[Alex Norris]

from home and exploit them, cutting out all the other links in the chain, so that they do not know that they are in an exploitative situation. As constituency MPs, we all know that our labour inspection regime in this country is predominantly reactive and relies on workers' complaints. How would a catchment of workers who have not identified their own abuse be able to say that is the case? We ought to be mindful of that.

I have laid out a number of real challenges in the scheme that none of us would design legislation to support—quite the opposite. We know that after we leave the European Union we will face a defining moment for our country, when we decide where we want to be. We have heard a lot in the Chamber in recent weeks about being a high-standards country, especially when it comes to workers' rights. Now is a good time for that. I want that for my constituents, neighbours, friends and family. I also want that for the people who come here and make sure we have food on our table. Those high standards must apply to them, too. We cannot use strong language in this place while allowing gaps in our system where abuse prevails.

I am pleased that, through my engagement with the Home Affairs Committee, I have received a commitment from the Home Secretary that slavery will be given due regard as part of the evaluation of the pilot. I would like to know what that looks like, when we will start to understand that and what Ministers will be doing about the agents used as intermediary third parties. The breadth of contributions from Members from every corner of the UK shows the strength of feeling. I hope that we can work collectively to get this right.

4.17 pm

The Minister for Policing and the Fire Service (Mr Nick Hurd): It is a pleasure to serve under your chairmanship, Mr Owen.

Hon. Members may wonder what the Minister of State for Policing and the Fire Service, who is also the Minister with responsibility for London, is doing here responding to a debate on seasonal agricultural workers. In truth, the Immigration Minister is tied up in a Public Bill Committee and cannot be here. Since we operate the principle of total football in the Home Office, every Minister is meant to be comfortable whatever ball is passed to him or her. Underlying that, my hon. Friend the Member for Boston and Skegness (Matt Warman) made the point that the main thrust of the debate has been the determination to protect people from exploitation and abuse.

I am extremely happy to respond to this debate, and I congratulate the hon. Member for Nottingham North (Alex Norris) not just on calling a debate that has galvanised 16 Members of Parliament from across the country and across parties, but on his passion and his persistent cross-party work on modern slavery since he has been in this place. One of the great beacons of progress I have witnessed in my time in Parliament is the country's increased understanding of the reality of modern slavery and our determination as a society to combat it. On the Government side, we are proud of the leadership, particularly of the Prime Minister, but I recognise the cross-party determination essential to make the kind of progress we need.

Gareth Snell: Given what the Minister says about the Government's commitment to modern slavery, may I ask, cheekily and slightly tangentially, whether he will have a word with the Leader of the House about finding Government time to debate Lord McColl's excellent Modern Slavery (Victim Support) Bill, which would give additional support to the victims of modern slavery? That would be another example of cross-party support for tackling modern slavery.

Mr Hurd: I congratulate the hon. Gentleman on his cheekiness. I certainly undertake to ensure that the Leader of the House is aware of his intervention.

I will seek to reassure the hon. Member for Nottingham North and others who share his concerns that, in proposing the pilot, we are determined not to risk going back in time or creating loopholes for exploitation. I am delighted to have this period of scrutiny, which is incredibly important to us. I hope I can persuade him that we have addressed most of his concerns.

The hon. Gentleman and others were rightly up front about the need to support some of our fastest growing industries. Of course it is right that we do so, but a balance needs to be struck. He mentioned that how we meet temporary labour needs in the agriculture sector is a long-standing issue. We totally appreciate that farming is a long-term endeavour and that UK growers, like most businesses, place great emphasis on certainty when it comes to workforce planning.

Priti Patel: Will the Department write to me and to colleagues about the need for certainty for rural and agricultural businesses, and in particular about looking at examples of other companies and learning from best practice? Can the Minister say how the Department would respond to support the needs of rural businesses should demand exceed the 2,500 places?

Mr Hurd: I am certainly happy to look at giving that undertaking, and I totally accept the point my right hon. Friend makes about the opportunity to learn from best practice. Clearly, she believes strongly that that exists in her constituency.

Let me say this about how the Government have risen to the challenge of supporting some of our fastest growing industries with their employment needs: against the backdrop of Brexit, we have set out clear transitional arrangements that will enable UK growers to continue to recruit from the European Union for up to two years after the UK's exit. It is important to note that those arrangements will apply regardless of whether we leave with or without a deal.

Steve Double (St Austell and Newquay) (Con): The Minister mentioned some of our fastest growing sectors. Will he join me in recognising that the tourism and hospitality sector also has a great need for seasonal workers? We must ensure that we make provision for that sector as well as for agriculture.

Mr Hurd: I certainly note that point, and I quite understand where it comes from, given the constituency my hon. Friend represents. I will ensure that the Immigration Minister takes that on board.

As the House knows, we have published an ambitious White Paper, setting out proposals for our future skills-based immigration system. That includes introducing, as a

transitional measure, a new temporary short-term workers route to ensure that UK businesses, irrespective of sector, have the staff they need, including seasonal workers, and to help employers move smoothly to the future system. However, this debate is principally about the two-year seasonal workers pilot, which allows non-EU migrants to work on UK farms for six months, specifically in the edible horticultural sector, and I will use the time remaining to focus on the concerns the hon. Member for Nottingham North raised.

We are very clear that we want to support UK businesses, but it is just as important to us that everyone working in our economy is safe and is treated fairly and with respect. Exploiting people for their labour, subjecting them to horrific conditions such as those we have seen in the past, and denying them basic employment rights is of course a form of abuse.

Vernon Coaker (Gedling) (Lab): That is the fundamental point. We must give people not only the right to complain but the confidence to come forward. Will the Minister consider talking to the Immigration Minister about how to give that confidence to people who come to work on these schemes, both when they arrive and before they leave their countries?

Mr Hurd: I certainly take on board that point and give that undertaking. We are determined to protect workers from abuse and to crack down on employers who try to profit from exploiting people. The Modern Slavery Act 2015 is a world-leading landmark that gives law enforcement agencies the tools to deal with offenders and provides enhanced protection for victims, but we recognise that the nature of labour exploitation continues to evolve. We believe we are keeping pace with that, having introduced further measures to tackle exploitation through the Immigration Act 2016. We have widened the remit of the Gangmasters and Labour Abuse Authority, giving it new powers under the Police and Criminal Evidence Act 1984 to investigate serious labour market offences, including modern slavery offences, in all sectors. Those principles underpin all our immigration employment arrangements.

Let me turn to the clear and robust protections we have built into the design of the pilot, which were central to the line of inquiry from the hon. Member for Nottingham North. At the heart of those protections is our sponsorship system, which will be used to manage the licensing of the organisations—the scheme operators—selected to manage the pilot. The sponsor licensing system places clear and binding requirements and obligations on scheme operators, including robust responsibilities to ensure the welfare of participating migrant workers. Critically, it also gives the Home Office clear powers to revoke an operator's licence if it falls short in its duties. That will be underpinned by a

robust monitoring and compliance regime, which will include site visits by Home Office sponsor compliance teams.

On the point raised by my right hon. Friend the Member for Witham (Priti Patel), the Home Office is working closely with the GLAA to share best practice for conducting such compliance visits and to share intelligence about our respective findings. We are absolutely determined to get this right. We have no desire to go backwards. We need to learn from the past.

The tier 2 and tier 5 sponsor guidance published by the Home Office on 11 January sets out organisations' full responsibilities towards their seasonal workers. Those include ensuring that the work environment is safe and complies with all relevant health and safety requirements; that workers are treated fairly by their employer and are not threatened with or subjected to violence; that workers are paid properly, with time off and proper breaks; that workers are housed in hygienic and safe accommodation, although it is not mandatory for workers to live in accommodation provided by their employer; that workers' passports are not withheld from them; and that procedures are in place to enable migrants to report any concerns and to move to another employer.

Should either of the selected operators fall short in those duties, action will be taken, up to and including the revocation of their sponsor licences. As a prerequisite for becoming a scheme operator, each organisation must hold and maintain licencing from the GLAA. Should a scheme operator lose its GLAA licensing at any point, its sponsor licence will be revoked with immediate effect.

I understand that the issue of debt bondage is of particular concern to the hon. Member for Nottingham North. Placing someone in debt bondage would constitute a failure to comply with the licensing standards and lead to the revocation of the operator's licence. That in turn would lead to the revocation of its licence to act as a scheme operator. We therefore believe we have the sanctions in place to tackle that unacceptable practice. It is, however, important that we are alive to that risk and remain vigilant to any risk of exploitation.

The hon. Gentleman asked whether the GLAA requires additional resources as a result of the pilot. I reassure him that the pilot is very much business as usual for the GLAA. We believe that an additional 2,500 workers will not place a significant additional burden on it, especially at a time when the sector tells us the overall number of seasonal workers is decreasing.

The Immigration Minister and I would be happy to look at any proposals put forward by Unite, as the hon. Gentleman suggested. I hope he is reassured by the range of protective measures we have put in place and by the clear requirements on scheme operators. We are confident that we have designed the scheme in a way that addresses his concerns.

Question put and agreed to.

Young Carers Support

4.29 pm

Paul Blomfield (Sheffield Central) (Lab): I beg to move,

That this House has considered support for young carers.

It is a privilege to move the motion with you in the Chair, Mr Owen. One of the special things about being a Member of Parliament is the opportunity we are given to find out more about the extraordinary people in the communities that we represent. Following my election back in 2010, there are few more extraordinary people who I have come into contact with than the young carers I have come to know.

John, for example, is 17 years old now and started caring for his mum when he was 10 years old. She has fibromyalgia. John says:

“This causes her muscles and bones to become weak and most of the time she is unable to walk or even get out of bed. As a young carer, I help my mum with shopping and things inside and outside of the house. I don’t get much time to go out with my mates or have much time to myself. My life is different because I am looking after my mum, making sure she is taking her tablets and eating and drinking.”

John was one of eight young people from Sheffield who I took to meet the Prime Minister last May. I thank the Prime Minister—she has one or two other things on right now—for finding time to sit down for half an hour with us. Another one of the group was Holly. She is now 14 years old but she started caring for her mum and her sister around the age of four or five. Her mum has an underactive thyroid and her sister has a reflux in her right kidney. Holly says of their life:

“I don’t get much time to be a child or to spend time with friends. I don’t mind, but it sometimes gets really frustrating if I can’t sit down for five minutes or so. My life is different to young people who aren’t carers, because I struggle a lot with life and have people to care for. They get to be kids and live their life. I still get to live my life but I have to be an adult and I have to be very careful. The highs are that I get to spend lots of time with my mum and my sister. The lows are that I have no other family around, so it is just the three of us. It is very painful for me and very emotional to have to watch my sister screaming in agony.”

Holly and John are the lucky ones, because they have made contact with Sheffield Young Carers, of which I am proud to be a patron. They are getting tremendous support and the opportunity to meet and share their experience with others in the same position, but most young carers are hidden from view. One in 12 children and young people is taking on mid to high-level care for a family member. Their average age is just 12 years old, the average annual income for their families is £5,000 lower than others, 68% are bullied at school, 26% are being bullied about their caring role, 45% report a mental health problem, they achieve nine grades lower at GCSE and they are four times more likely to drop out of further and higher education. The right support is vital, and we owe them nothing less.

Kerry McCarthy (Bristol East) (Lab): This is such an important issue, and I am glad that my hon. Friend is raising it. He has said, quite rightly, that in many cases young carers are unidentified within the system. Does he agree that it is important that schools and GPs, who will have contact with the people the young carers are

caring for, do all they can to try to make sure that young carers are flagged up in the system, so they get the support that they need?

Paul Blomfield: I thank my hon. Friend for her intervention. She anticipates my next point, which is how important it is that we as a society identify young carers. When I sat down with our young carers in Sheffield and asked them what their priorities were, typically selflessly they put that at the top. They were not thinking of themselves but of the others who had not come into contact with the local group. As she points out, schools and GPs are in the best position to play that role.

Mr Edward Vaizey (Wantage) (Con): I congratulate the hon. Gentleman on calling this important debate. There is a charity in my constituency called Be Free Young Carers, which represents over 3,000 young carers in south Oxfordshire and the Vale of White Horse. One of its concerns is that once young carers are identified, the assessment process takes about six months and the help they receive can often be superficial—for example, simply being directed to websites. Does the hon. Gentleman agree that the assessment and support for young carers is still inadequate?

Paul Blomfield: The right hon. Gentleman is absolutely right, and that is a point that I will return to.

The lives of young carers are divided between home and school, so schools can make a huge difference. In their recommendations to the Prime Minister last May, our young carers made two main points. The first was that schools should be required to have a young carers lead. There is nothing special about that—it is there for children with special educational needs and disabilities, and for looked after children, so we would just be following the same approach. The second recommendation was that Ofsted should inspect schools on what they are doing to support young carers and whether they have a young carers lead in the school. In a press release after the meeting, No. 10 said:

“The Prime Minister recently met with a group of young carers who highlighted issues with identification and support in schools and NHS settings and the Government will be undertaking a review to identify opportunities for improvement in these spaces.”

Will the Minister say, eight months on, what progress his Department has made with the review?

David Linden (Glasgow East) (SNP): The hon. Gentleman is making a powerful speech. Will he join me in commending Megan McGarrigle from Glasgow North East Carers Centre, who has been doing a lot of work, going into schools in the east end of Glasgow and talking to young people? That work has identified young people who probably do not even realise that they are carers. The hon. Gentleman is right to touch on the collaboration between local authorities, because in my experience it has been a bit piecemeal.

Paul Blomfield: I certainly congratulate the group that the hon. Gentleman mentions for its work, and indeed groups across the country for their work, but that work is very patchy, and it is patchy in our schools, too.

Julian Knight (Solihull) (Con): I thank the hon. Gentleman for securing this crucial debate. I was a young carer in a lone parent family between the ages of

14 and 18. I looked after my mother, who had a debilitating back condition during those four years. At that time there was absolutely no help whatsoever and seemingly no information about any help. Nobody knew where to turn in that regard. Does he agree that when help is framed, it needs to be flexible? It can be as simple as an afternoon off, or as major as to be all encompassing in its scope, to help that person and their family.

Paul Blomfield: I thank the hon. Gentleman for his intervention and for sharing his personal experience as a young carer. I agree with his point about the flexibility of help needed for young carers, who face many different challenges. It needs to be tailored for individual need.

Anneliese Dodds (Oxford East) (Lab/Co-op): My hon. Friend is making some excellent points. In relation to support, does he agree with me and my local Oxfordshire charity, Be Free Young Carers, that charities are often relied upon to deliver all of this support, and that there is little support from other actors, such as local authorities? We need to have that.

Paul Blomfield: My hon. Friend is right. She is reaffirming the point that has been reflected in a number of interventions about how patchy provision is. Charities play a tremendously important role, but more needs to be done by the statutory sector as well.

Jo Platt (Leigh) (Lab/Co-op): Further to that point, does my hon. Friend agree that extending commissioning and grant funding is essential in ensuring that the needs of our young carers are met? That is something that was relayed to me by an amazing charity in my area, Wigan & Leigh Young Carers. The problem of sustainability and reliance on short-term funding streams is holding many charities back.

Paul Blomfield: My hon. Friend makes an important point about consistency of commissioning and support for work in this area.

Mike Hill (Hartlepool) (Lab): My hon. Friend is making a crucial and powerful speech. I have been working as part of the cross-party parliamentary taskforce on kinship care to try to join all the dots and find a way forward in supporting kinship carers, young and old, through the system. Quite frankly, they save the state a fortune. Does he agree that Parliament needs to take a good look at this problem and start supporting these people in a proper manner?

Paul Blomfield: My hon. Friend makes an important point. The response to today's debate is extremely encouraging, and shows that there is clearly concern across Parliament, so I hope the Government will pay full attention to that.

Ellie Reeves (Lewisham West and Penge) (Lab): My hon. Friend is being very generous with his time. Two weeks ago, I was giving out awards at the inaugural Eleanor Marx awards ceremony in Lewisham. Schools were asked to nominate young women for their achievements, and the winner of the award was a young carer, in recognition of the work she did in supporting her mum and younger brother. She was overwhelmed

by the recognition she got at that awards ceremony. Does he agree that more needs to be done to recognise the tremendous work that young carers are doing?

Paul Blomfield: It is brilliant that that award was allocated in that way. That sort of recognition is certainly something we should all be looking to, and maybe we can all seek out opportunities in our own areas to help to secure it.

John Howell (Henley) (Con): Taking the hon. Gentleman back to the schools situation, does he think that the power that Ofsted is given to look at what the school is doing on this is very weak, and that strengthening Ofsted's power in that respect would be a great help in identifying those young carers and ensuring that they are looked after?

Paul Blomfield: The hon. Gentleman anticipates my very next point. We will never see consistently good practice across schools until they are measured and assessed on it, and Ofsted's role in that is crucial. I ask the Minister, in his winding-up speech, to say whether we can look forward to the Government's requiring schools to have a young carers lead and requiring Ofsted to include the issue in its inspections.

Returning to some of the other points that our young carers from Sheffield made, there were two recommendations for the national health service, which have begun to be addressed in the NHS long-term plan and the commitment to carers, for which I am grateful. I have shared their recommendations and my questions with the Minister, so I hope he will also be able to confirm that the commitment in paragraph 2.33 of the long-term plan, which says:

"We will continue to identify and support carers",

will include young carers and recognise the special nature of their needs. Will he say whether general practitioners will be required by the Care Quality Commission to hold a register of young carers in their practices and be inspected on it?

I welcome paragraph 2.35 of the commitment, which says:

"The NHS will roll out 'top tips' for general practice which have been developed by Young Carers, which include access to preventive health and social prescribing, and timely referral to local support services."

It goes on to say:

"Up to 20,000 Young Carers will benefit from this more proactive approach by 23/24",

but does the Minister recognise that that number falls well short of the estimated 700,000 young carers across the country?

Gill Furniss (Sheffield, Brightside and Hillsborough) (Lab): I pay tribute to my hon. Friend and fellow Sheffield MP for securing this debate. In a previous life, when I was a councillor, I was privileged to chair the children, young people and families scrutiny board, and met every year with Sheffield Young Carers, to whom I say thank you once again for bringing the young carers down to Parliament and letting their voices be heard. It is a shame that we do not celebrate the work they do, because they save the NHS hundreds of thousands, even millions of pounds. I was a young carer. My mother was diagnosed with multiple sclerosis when I

[Gill Furniss]

was about six, so I had the opportunity to look after her. That was good, but at the same time you are not the same as your mates; you are somebody a bit different. The ask from the Sheffield Young Carers is very small, so will he join me in hoping that the Minister will give those young people hope for a better future? The statistics that we have seen show a high risk of their becoming NEETs—not in education, employment or training—with 67% of young carers being bullied and 45% of young adult carers reporting mental health issues. This is a small group of people who really go the full mile and need some care themselves.

Paul Blomfield: I agree with my hon. Friend, and I thank her for sharing her personal experience and for the work that she has previously done with Sheffield Young Carers. Our young carers also have some fairly modest recommendations on financial support, which is an issue she touched on, recognising that their families are poorer, that they have higher costs and that, unlike their peers, they cannot get part-time jobs. I would welcome the Minister's comments on their proposal that they should get some form of carer's allowance, which is being introduced in Scotland, and free bus passes, for which my hon. Friend the Member for Sheffield, Heeley (Louise Haigh) is spearheading a local campaign. Specifically with relation to his Department, does the Minister agree that young carers should be one of the named groups eligible for the 16-to-19 bursary?

I have one final question, relating to implementation of the Care Act 2014. A key principle of the statutory guidance issued under that Act is:

"Children should not undertake inappropriate or excessive caring roles that may have an impact on their development...their emotional or physical wellbeing and their prospects in education and life."

Clearly, the evidence demonstrates the impact. In 2016, the Children's Commissioner published a report revealing a very patchy service across the country, with many young carers remaining hidden and unsupported. One problem is that there is no guidance to define what is meant by "inappropriate or excessive". Does the Minister agree that there should be national guidelines defining what is inappropriate or excessive care, to better support professionals in assessing and providing for the needs of young carers?

Fourteen-year-old Phoebe, who also joined me to meet the Prime Minister, has been caring since the age of eight. She probably spoke for all 700,000 young carers in the country when she said:

"I never get much time to myself. I worry a lot. I do panic that I can't look after myself as much."

She also said:

"This affects my own well-being."

Should we not be doing everything to ensure that the caring that contributes so much to the family and saves the country so much does not affect the wellbeing of our young people, and that those young carers get the support they need to make the most of their lives?

4.47 pm

Mr Adrian Bailey (West Bromwich West) (Lab/Co-op): It is a privilege to serve under your chairmanship, Mr Owen. I congratulate my hon. Friend the Member

for Sheffield Central (Paul Blomfield) on securing the debate and on the eloquent way in which he outlined the issues.

I will not repeat the catalogue of personal experiences that my hon. Friend has witnessed at first hand. I think anybody who has had any experience of working with young carers in any part of the country would be able to repeat them. My own local authority, Sandwell Council, was one of the pioneers investigating this particular social problem, and published an early piece of work on child carers in 1989 with the specific objective of identifying the number of potential young carers in the borough and supporting charitable initiatives to address the problems they had. Certainly, first as a councillor and then as a Member of Parliament, it has been my privilege to work with the Sandwell Young Carers organisation, which has enabled me to see at first hand the inspirational young people we have in the borough and the work they do not only on behalf of their own families, but in relieving pressure on public services locally.

Dr David Drew (Stroud) (Lab/Co-op): As in my hon. Friend's area, we have Gloucestershire Young Carers, which has just won a tender to remain as the organisation representing young carers in Gloucestershire. Does my hon. Friend agree that a tendering process is the most improper way to encourage those organisations to function properly in representing young carers? It just seems the wrong approach.

Mr Bailey: Absolutely. In fact, there was an earlier remark on the almost haphazard way in which young carer organisations can access funding. The fact is that to provide a proper, long-term service with the capacity to meet an area's needs requires long-term, assured funding. The continual tendering process does not provide the degree of certainty necessary to plan services effectively for the long term.

In addition to the inspirational young people that I mentioned, there is the chief executive of SYC, Tracey Hawkins, whom I have known for many years. She brings absolute passion to the job—often in very trying financial circumstances—to sustain that service within my local authority. SYC has a record of raising awareness for professionals across the board within the borough to help them identify and support young carers, and it has a contract with the council to do so.

SYC provides lottery-funded academic support—through homework clubs—and educational support for young carers who, as my hon. Friend the Member for Sheffield Central outlined, often face very difficult home circumstances, resulting in their low attainment, and sometimes low aspiration. It also provides publicity and communicates with other community groups and clubs to broaden young carers' activities, which again is lottery-funded. The problem is that SYC has to continually try to find new or repeat sources of funds to go on providing those services.

The initial survey in Sandwell identified 2,000 potential young carers as needing support, but SYC has the funding and capacity to deal with only about 520 at any one time. SYC also makes an enormous contribution to supporting other public services in the area.

Julian Knight: As a fellow West Midlands MP, I concur with many things the hon. Gentleman says, including on the hand-to-mouth existence that these

organisations seem to lead. Does he also recognise that this is not so much about social deprivation or the area of the country where someone lives? I understand from Solihull Young Carers that the wealthier south of my constituency has as many cases of young people in this plight as the north of the borough, which is much more economically deprived. It is actually a nationwide problem.

Mr Bailey: I certainly agree that this problem is not confined to what were historically called deprived areas. By its very nature, the role of a young carer is often so hidden from general view that it is very difficult to make accurate assessments and comparisons. Although I cannot speak up for Solihull, I can say that it is very important that a uniformity of service should exist around the country, because this problem is not confined to specific geographical areas.

I am conscious of time, so I will quickly come to my concluding questions. To repeat the thrust of the comments by my hon. Friend the Member for Sheffield Central, I ask the Minister what is being done to ensure that GPs and other health professionals identify, recognise and register young carers within their practice. The Department of Health and Social Care needs to take a more proactive role in raising awareness of this particular responsibility and ensuring that it is carried out. Similarly, what is being done to ensure that local authorities have pathways for young carers to access care and suitably trained, child-friendly staff with knowledge of the Acts covering young carers? What role do we envisage the voluntary-sector young carers projects playing in that pathway?

My hon. Friend also mentioned transport. Many young carers cite difficulties in accessing school transport and transport to young carers' facilities, which are put on by charities and other community organisations to relieve some of the pressure of their everyday caring responsibilities. There is little point in having those facilities if the young carers who need them have not the wherewithal to get to them and enjoy them.

There is also an issue around the very welcome transitional arrangement policies for carers over 18 now being devised through a joint initiative of the Children's Society and the Department of Health and Social Care. The 18-year-old barrier is often a sort of cliff-edge for young carers in their receiving care and advice, which needs to be overcome. I welcome the initiatives now being undertaken to address that problem.

However, my concern is that because many young carers organisations have historically not been involved in this particular area, it may provide a market opportunity for organisations that do not have the same community base, experience and sensitivity to actually fulfil that role. We do not want this to be regarded only as a business opportunity. We want to enable those organisations with a long history of providing this service for young carers in their local communities, and which know their local communities, to have the opportunity to build on that expertise and to develop it for the post-18 cohort of young carers.

Albert Owen (in the Chair): Before I call the hon. Member for Blackpool South (Gordon Marsden), I remind Members that I will begin calling the Front-Bench spokespeople at eight minutes past 5. That will give the Opposition spokespeople five minutes each, will protect the Minister's 10 minutes and will also give two minutes at the end for the sponsor of the debate to respond.

4.56 pm

Gordon Marsden (Blackpool South) (Lab): It is a great pleasure to serve under your chairmanship, Mr Owen. I echo the sentiments already expressed in both interventions and speeches, including the excellent speech by my hon. Friend the Member for Sheffield Central (Paul Blomfield). If I may say so, responsibility for the questions he posed to the Minister does not sit only in the Department for Education but across Government. If we are serious about this issue, the need to break out of those silos, and perhaps to have a cross-departmental take on all this, is really important.

I will speak principally on the excellent and enormously positive work done in Blackpool, often by our carers centre, which is of long standing. I have had the privilege to work with the centre over my 22 years as the local Member of Parliament, and particularly with its young carers. Over the past 12 months, the centre has supported 666 young carers. Let us bear in mind that this is—I will not say that it is the tip of the iceberg—certainly not the actual number of young people caring for a parent or family member in Blackpool. Various surveys over the years have suggested that the figure is anything between 2,000 and 3,000, which gives some sense of the scale of it.

The other thing about Blackpool, which is also an issue for many inner-city areas and other seaside and coastal communities, is the degree of double transience—of families coming into the town and of people moving within the town, often because of family break-ups or economic hardship. That means that the ability of people who need care to latch on to a local community is much reduced on what it might be in other parts of the country, which puts even more pressure on the work of those young carers.

Nevertheless, the good news from Blackpool is that there has been tremendous progress in the last few years. I have been privileged and very proud to be part of that. In 2016 we all got a little bit of BBC showbiz dust sprinkled on us, because the BBC's "DIY SOS" programme, which some hon. Members may be familiar with, descended on Blackpool to transform a building, Blenheim House—which is in the constituency of my parliamentary neighbour, the hon. Member for Blackpool North and Cleveleys (Paul Maynard), but which serves the whole of Blackpool—into a young carers centre. Literally hundreds and hundreds of volunteers came from across the community, and I, along with some of my councillor colleagues, lent my hod, as it were, by clearing rubble and doing general labouring tasks in the morning. I also pay tribute to the Beaverbrooks Charitable Trust—the local charity and local business that provided the property and has supported the centre very strongly ever since. It is invidious, when one thinks about the work that is done by young carers and the carers associations that support them, to single out lots of individuals, but I do particularly want to single out Michelle Smith, who has done extraordinary things with the centre and everything that has been taken forward from it.

Alex Chalk (Cheltenham) (Con): The hon. Gentleman is paying fitting tribute to the organisations in his constituency. Will he join me in recognising the work of volunteers, particularly the volunteers who assist in my constituency, Gloucestershire Young Carers, because it is their contribution that means that the work can reach so much further and change so many more lives?

Gordon Marsden: I am delighted to agree with the hon. Gentleman. Of course, the multiplier factor is very important, but it is also very important that young carers themselves do not get burned out. That is one of the key issues. It did not involve young carers, but I have a family history in this regard, in that my father cared for my mother for nearly 25 years; she had severe osteoporosis. Unfortunately, he would not take advantage of the things that were available, and I saw, in his latter years, how he was absolutely worn down by the process. Young people may not show that, but they have the same sorts of issues. When I tell hon. Members that 48% of those young people in Blackpool are caring for a parent because of substance misuse or mental ill health, they will get a sense of the sorts of issues that young carers have to face and deal with.

Last autumn, very important new research from the University of Nottingham revealed that the number of young people between the ages of 11 and 16 who act as carers has more than doubled since a comparable BBC survey in 2010. I was privileged to discuss those findings with people from the carers centre in my area, but also with two young carers, Caitlin Churchill and Claire Taylor, who had written to me over the summer with their personal experiences as well as with ideas to give young carers more support in the classroom.

The classroom is a key factor in this area. We have heard today about the need for Ofsted to be more forthcoming in this area, but school heads and schoolteachers also need to take the issue on board. They may not even know that they have young carers in their midst, and those young people, who sometimes turn up looking bleary-eyed and without having had a meal, may be disciplined for that, because they do not regard it as a caring thing; they think that it is just something they do for mum or dad or sometimes for an older sister or whoever.

That point is very important, as is the mental health project launched by Blackpool Carers Centre for young carers last spring. There have been workshops on this subject, and it is my experience that sometimes, when we bring young people together outside their school frameworks and put young people from one school or college with those from another, they work more collaboratively and do not feel as constrained. However, we need to ensure that the voluntary efforts and voluntary research by those young people outside school feed into schools and colleges as well.

The role of the local authority is also important. Blackpool is a small unitary authority, and I am sad to say that we have been hit very strongly by cuts over the last six or seven years, but it does support the carers centre.

Albert Owen (in the Chair): Order. May I just say to the hon. Gentleman that he might want to bring his remarks to a conclusion?

Gordon Marsden: Yes, Mr Owen. The authority does support the carers centre, with a relatively modest amount of funding, so there we have it—a good example of people taking things forward. May I just say one last thing to the Minister? The role of young carers ought to be recognised not just by Ofsted, but in our thinking about bursaries and so on, and particularly when they want to enter higher education and apprenticeships.

5.4 pm

Louise Haigh (Sheffield, Heeley) (Lab): It is, as always, a pleasure to serve under your chairmanship, Mr Owen. I congratulate my hon. Friend the Member for Sheffield

Central (Paul Blomfield) wholeheartedly on securing the debate. He does an enormous amount of work in championing young carers from Sheffield and across the country. Like him, I have met many of the young carers that he mentioned, in part because of the fantastic work of Sheffield Young Carers, which is such an effective voice for those young people, but also because the young people themselves are such excellent advocates, who need absolutely no prompting in describing their experiences and making an impassioned case for change to support the needs of this hidden army of young people, who contribute so much yet receive so little.

I employ a young carer in my constituency office. Gabby has cared for her family since she was four years old and still cares for them now. As a result of that experience, she is an absolutely amazing young woman, who I believe is genuinely capable of anything, but who just needed a chance and some recognition of the obstacles that she faced while growing up that other young people did not have to. That is really at the heart of what young carers are asking for—recognition. I am talking about recognition of the incredible work that they do day in, day out; recognition that as a result of caring for siblings or parents, they struggle to get to school right on time, and that when they are at school, they are really tired; recognition that as a result of their caring, they are much more likely to have mental health problems of their own and risk burnout. Some services do recognise that, but nowhere is the recognition more important than in schools, and I am sorry to say that young carers' experience in schools is patchy at best. In the words of Sheffield Young Carers, some schools help young carers, but some still do not at all.

It is incumbent on Government to ensure that schools treat young carers consistently and with the respect and recognition that they deserve, so I should be grateful if the Minister would respond explicitly to the recommendations made on education by my hon. Friend the Member for Sheffield Central—that schools should be required to have a young carers lead that Ofsted's inspection framework should cover support for young carers, and that the teacher training curriculum should include information about identifying and supporting young carers.

As my hon. Friend mentioned, I have been working with a lot of young carers over the past year to campaign for free travel for young carers in Sheffield, both while they are in school and outside term time. Understandably, young carers travel much more than their counterparts, going to and from health appointments, collecting shopping and perhaps visiting those they care for. It is absolute common sense that we should recognise that by providing them with free travel.

Just last week, the young carers presented our petition to Sheffield City Council, where they received a standing ovation. Last summer, South Yorkshire passenger transport executive conducted a pilot, but we now need to see it rolled out. If the Minister could commit to raising that with his counterparts in the Department for Transport, we would appreciate it.

These young people ask so little of us, but give so selflessly to their loved ones and save the Exchequer and society so much. It is the very least we can do to make their voices heard in this place and to ensure that sufficient support is in place in their communities.

Albert Owen (in the Chair): I am grateful to the hon. Lady.

5.7 pm

Angela Crawley (Lanark and Hamilton East) (SNP): It is a pleasure to serve under your chairmanship, Mr Owen. I congratulate the hon. Member for Sheffield Central (Paul Blomfield) on securing the debate. Like several other hon. Members, I declare an interest as a former young carer. I would like to thank both the organisations in my constituency and the other organisations that I worked with across Scotland as a volunteer with young carers services in later years. This issue is close to my heart, and I think it is of paramount importance that we should be having this debate.

Lanarkshire Carers Centre in my constituency works with, and for, carers to develop and deliver services that make a positive difference to the lives of carers in Lanarkshire. The services that it provides include one-to-one carer support, carer support groups, short breaks for carers, and carer training opportunities. South Lanarkshire Carers Network empowers carers with knowledge and information that will allow them to make informed choices about available services. It also aims to identify unpaid carers, develop and maintain a network for those carers and identify gaps in service provision.

Carers not only perform a vital role for the people whom they look after, but ease the strain on our public services, as we have heard from many hon. Members. In fact, this point was well made by the hon. Member for Sheffield Central. I recognise his incredible work and passion as a patron of Sheffield Young Carers. He rightly gives a voice to John, Holly and all the other young carers, who deserve to be heard in this House.

Other hon. Members from across the House talked about their personal experiences, which were heartfelt and touching. It is worth recognising the words of the hon. Members for West Bromwich West (Mr Bailey) and for Blackpool South (Gordon Marsden), who have done a great deal of work in their constituencies over many years. That commitment is recognised here, as well as by their constituents. I also recognise the work of Michelle Smith, whom the hon. Member for Blackpool South mentioned, and the work she has done in his constituency. The hon. Member for Sheffield, Heeley (Louise Haigh) rightly identified that she has employed someone in her office who is a young carer. That recognition and opportunity is vital. Every young carer hopes for a chance and we should ensure that they get one.

Young carers provide a vital service to our economy, taking a huge burden off public services, and addressing the constraints of an already decreasing budget. In Scotland's case, they save the Scottish economy £10.3 billion, which is close to the cost of providing the NHS service in Scotland. There are approximately 759,000 carers in Scotland, which is 17% of the adult population. When we think about carers we assume that they are adults, but there are an estimated 29,000 young carers in Scotland, which is 4% of under-16-year-olds. Being a young carer has a big impact on a young person's life.

Julian Sturdy (York Outer) (Con): The hon. Lady is making an important point. It is difficult to know the exact figures, but substance abuse and mental health issues are on the rise. We have not mentioned the number of young people who are out there caring but are not recognised, even by themselves, as young carers. How do we identify those young carers going forward?

Angela Crawley: I thank the hon. Gentleman for that salient point. From my point of view, growing up, I did not recognise myself as a young carer. A poster in school reminded me of the kinds of responsibilities that a young carer might have, which make that young person different from other young people in school. The Department for Education should consider an awareness-raising campaign around the responsibilities of young carers. If they are taking on additional responsibilities, they might not necessarily assume that they are caring for a parent or younger sibling. We need to raise awareness of that.

Many young carers find it difficult to balance their caring responsibilities with their education and social life. It can negatively impact their health and the financial difficulties can impact their stress levels. It is vital that young carers are supported, so that they can not only continue to care, but have a life and childhood of their own and not feel different from their non-caring peers at school.

The Scottish Government are leading the way on supporting carers. They have invested around £122 million in a programme for support for young carers. That carer's allowance is the same level as jobseeker's allowance and has been backdated to be paid from April 2018. From this autumn, the Scottish Government will introduce the young carer grant, worth £300 per year, which will be granted to 16 to 18-year-olds who have at least 16 hours of caring responsibility. I hope that the Minister will take that into account when he speaks to his colleagues across all Departments, because this issue is not reserved to the Department for Education.

I am conscious that I do not have much time left. I call on the Minister to consider carefully the important role of young carers, and do more to recognise them and support them financially.

5.13 pm

Julie Cooper (Burnley) (Lab): It is a pleasure to serve under your chairmanship, Mr Owen. I am grateful to my hon. Friend the Member for Sheffield Central (Paul Blomfield) for securing this debate and for his powerful contribution, which set us off on the right footing.

The latest figures identify close to 200,000 young carers, but it is likely that the real figure is much higher, because many child carers, some as young as four years old, do not identify themselves as carers. All too often, young carers go about their lives managing their caring responsibilities as best they can, unseen, unheard and unsupported. I want to thank the young carers who have allowed their stories to be shared here today, especially the Sheffield carers.

I was a young carer and I know it is not easy. Being a young carer can be a very isolating experience. All chances of childhood are lost. It is hard to laugh with so much responsibility. It is hard to be carefree when you are coming home from school worrying about what you will find, worrying about household bills, because there is no one else to worry about them, and worrying about siblings. Balancing school and caring responsibilities is, to say the least, difficult. There is no time for homework and it is hard to concentrate at school. There are few chances to have a life of one's own and few chances to socialise; it is difficult.

[Julie Cooper]

Children have rights. The United Nations says that all children have a right to education and a childhood, and the right to be protected from the demands of excessive and inappropriate caring. Too often those rights are denied, and children and young people are suffering. One third of all carers aged between 11 and 18 experience mental health problems of their own. Research shows that one in 20 carers miss school because of their caring responsibilities. Young carers are far more likely to have lower educational attainment, less likely to stay on at school and more likely to be out of work in adult life.

There is some support out there. I pay tribute to the Carers Trust for the work it does supporting 32,000 young carers. I recognise and thank Carers UK and organisations such as Rainbow Trust Children's Charity, which remind us that the siblings of children with life-limiting conditions are also young carers, who deserve the right to regular short breaks. I also thank the all-party parliamentary group on carers for shining a spotlight on these issues.

We are here today because Government support is urgently needed. The Care Act 2014 placed the duty on local authorities to consider the needs of children and young people living in a household where there is an adult with a disability or an impairment. That has not been fully implemented, because of a lack of funds. The Children's Society worryingly reports that in the last four years the number of young carers has soared by 10,000. It suggests that this may be due to young carers picking up the slack from a shortage of adult social care. It is certainly a fact that adult care budgets have been cut by £7 billion since 2010, and cuts have consequences. Fewer people are now eligible for publicly funded care. Consequently, young family members have to take on more caring responsibilities.

Those young carers need and deserve support. Various promises have been made along the way. Eight months ago, the Prime Minister met some of these brilliant young people and promised to help them. The Government's carers action plan promised a cross-departmental approach,

"to increase the timely identification"

of carers, to improve access to sport for general health and wellbeing, and to improve educational opportunities and outcomes.

Hon. Members relayed specific and sensible steps that could be taken to support young carers. In terms of health, GPs need to be aware of the caring responsibilities of their young patients. Social prescribing needs to be an option for these young people. In education, every school needs to have a designated lead for young carers. The Government must recognise that funding support is needed. Many young carers live in low-income households, and too often are left to shoulder financial worries. Costs associated with the caring role can be burdensome. Teenage carers often have little time to take on part-time work. Making carers eligible for the vulnerable bursary and free travel arrangements will be a welcome step. Again, I make the plea for funding short breaks for young carers.

Will the Minister go beyond warm words and give us a guarantee on some of the specifics? It is astonishing that the Department of Health and Social Care has

published a 10-year plan for the future delivery of services, but does not outline a plan for social care. These issues are so fundamentally interconnected that it is hard to believe that they have not been dealt with in the 10-year plan. When will the long-awaited Green Paper on social care will be published? Will the Minister assure us that the understanding of the needs of all carers will be at the heart of not only the Green Paper on social care, but all Government strategy going forward? Will he guarantee that the Government will ensure that young carers are never forgotten or left behind?

Albert Owen (in the Chair): I thank the Front-Bench spokespeople and Back Benchers for keeping to the time constraints. I call the Minister.

5.18 pm

The Minister for Universities, Science, Research and Innovation (Chris Skidmore): It is a pleasure to serve under your chairmanship, Mr Owen. I congratulate the hon. Member for Sheffield Central (Paul Blomfield) on securing this debate. I apologise on behalf of the Under-Secretary of State for Education, my hon. Friend the Member for Stratford-on-Avon (Nadhim Zahawi), for whom I am deputising. He is unable to be here due to prior departmental commitments.

Young carers do heroic work. They provide vital support to those they look after. We all recognise the enormous contribution that young carers make. The number of hon. Members who have turned up to make interventions or contributions is testament to that. We heard contributions from the hon. Members for West Bromwich West (Mr Bailey), for Blackpool South (Gordon Marsden), for Sheffield, Heeley (Louise Haigh), for Lanark and Hamilton East (Angela Crawley) and for Burnley (Julie Cooper). They have all made excellent points.

Young carers are likely to need additional support to develop and thrive, and there are many voluntary sector organisations doing inspirational work to support them. The hon. Member for Sheffield Central talked about John and Holly coming to meet the Prime Minister in May. She was impressed by the good work of Sheffield Young Carers, which provides respite and support with education and employment training.

Although I am the Minister with responsibility for higher education, I visited Kingston University earlier this month to see first hand how the university supports young carers to access and succeed in higher education through its dedicated KU Cares team. We recognise that many organisations provide similar services across the country, and we applaud the work they do.

It is important that young carers feel able to have the same aspirations as any other child and that they are supported to meet them. The Government are committed to ensuring that young carers have access to services that support and encourage them to achieve the best educational outcomes.

Mr Jonathan Lord (Woking) (Con): Will the Minister join me in congratulating Surrey Young Carers, which supports 2,300 young carers in the county? It has been pointed out that young carers are 40% more likely to have mental health problems if they are not identified

and supported early. That is important, because it is only fair to them and the public purse that they are supported.

Chris Skidmore: I thank the organisation my hon. Friend mentions for its work. I will return to that critical point about mental health. The Department thanks all the organisations that hon. Members have mentioned for the work they do. The time and dedication they give is much appreciated.

On identification, many young people wish to help their loved ones, and find reward in doing so, but young carers often go unnoticed and hidden, and perhaps do not even recognise themselves as young carers, as the hon. Member for Lanark and Hamilton East said. That can put their education, training or health at risk, and prevent them from enjoying their childhood in the same way as other children.

The consistent identification of young carers is challenging, and there are many complex reasons for that, which is why the Department has made sustained progress to tangibly improve identification and support. I was asked about the progress in the past eight months. The Department for Education and the Department of Health and Social Care have commissioned the Carers Trust to undertake a review of best practice in identifying young carers. That work is ongoing, but its conclusion should give us new insights into how schools, health services and other providers can best achieve that in practice.

Recommendation 3.2 of the cross-Government carers action plan, which was published in June 2018, identified that the two Departments would conduct a review of best practice in identifying young carers. That review will work alongside the Carers Trust work and will involve experts to look at existing best practice and identify what can be done to spread it. It will report back shortly.

We recognise the points that were made about mental health treatment and improving school support for vulnerable pupils. Young carers should receive mental health support if they need it. As part of the NHS long-term plan, there is a commitment to increasing the funding for children's and young people's mental health services to improve the support for 345,000 more children and young people to access NHS-funded mental health services in schools and colleges.

NHS England, in particular, is working with the young carer health champions programme to support confidence in using health services. It also focuses on improving support to enable young carers to make a positive transition from children's to adults' services. The Department of Health and Social Care will fund a project to identify and disseminate effective practice on that.

On the points made about children in need and about support for them as young carers, when it comes to looking at the impact, which we recognise, we know that statutory support for young carers' needs is necessary. For that reason, we have implemented the legislative changes that have been touched on, so that young carers have an automatic entitlement to assessment by children's services. Changes to the Care Act 2014 and the Children and Families Act 2014 have been implemented. The

consolidation and simplification of legislation relating to young carers' assessments has made the rights and duties clearer to young people and practitioners.

There is, however, still work to do on children in need. The Department collects only limited data on young carers through the annual children in need census, which had about 16,100 assessments that identified young care as a factor that contributes to children being in need. We want to do more, which is why the children in need review is identifying how to spread best practice on raising educational outcomes.

Support through social care is reflected in the statutory guidance "Working together to safeguard children", which clearly states that the specific needs of young carers should be given support, recognition and priority in the assessment process. That process needs to take a whole-family approach to assessment and support.

Like the hon. Member for Sheffield Central, we strongly believe that young people should be protected from inappropriate and excessive caring responsibilities and that we should take that whole-family approach. Local authorities have an overarching responsibility for safeguarding and promoting the welfare of all children in their area. They are best placed to assess the needs and priorities in their area, and thresholds are set locally to allow for the specific needs of local children and families. We agree on the need for consistent, high-quality decision making, which is why Ofsted assesses whether local thresholds are set appropriately for children.

We want a system that responds to the needs and interests of children and families, and not the other way around. In such a system, practitioners need to be clear about what is required of them individually and how they can work in partnership with others. That is why the Department is working with the wider charitable sector to improve access to the support that young carers deserve. We have provided the Carers Trust with half a million pounds to develop and run the project "Making a Step Change for Young Carers and their Families". Improving access to support for young carers is championed across Government through the NHS England young carer health champions programme, which aims to improve confidence in using health services.

There are clearly benefits for schools in identifying and supporting young carers, but changing the law to make them do so is not the best way forward. It is important that headteachers and governors are allowed the freedom to exercise their wealth of responsibilities in the most appropriate way, according to the individual needs of their pupils. Programmes such as those delivered by Suffolk Family Carers, the Carers Trust and the Children's Society are important, and the more schools that complete them, the more that other schools will not want to be left behind.

Guidance such as "Keeping children safe in education" asks school and college staff to be alert to the potential need for early help for young carers. That support is evaluated by Ofsted inspections that take into account how schools and colleges meet the needs of the range of children and young people that attend them.

The issue of the financial burdens on young carers was raised. Young carers over 16 can be entitled to a carer's allowance and carer's credit to support the financial

[Chris Skidmore]

burden and help with gaps in their national insurance record. They can receive discretionary help from the 16 to 19 bursary fund, which is available to education and training institutions. It is the role of those institutions to determine which young people need bursaries and the level of financial support required to enable those students to participate.

The Department for Education provides schools with about £2.4 billion a year through the pupil premium, which provides £1,320 for primary schools and £935 for secondary schools. Eligibility is based on children receiving free school meals, but roughly 60% of young carers are on free school meals, so we know that they will receive that benefit as well.

When it comes to schools making effective use of their pupil premium budgets, we do not seek to tell them how to use the premium, as they will know best how to spend the grant according to their pupil needs. Crucially, however, schools are held to account for their use of the pupil premium through Ofsted inspections and information in performance tables. Most schools are required to publish details online about the impact of that funding.

On bus passes, it is up to local authorities to decide how they wish to allocate their discretionary budgets, including on providing free transport. The Government have made more than £200 billion available up to 2020 for councils to deliver on the local services that their communities want. I note the South Yorkshire pilot, and I will make sure that the Department looks into that.

I thank the hon. Member for Sheffield Central again for securing the debate—I am sure we could have spoken for at least another hour—and it has highlighted a

crucial issue. Regardless of which side we are on, we are all determined to help those young carers who do so much for our local society.

5.27 pm

Paul Blomfield: I am delighted by the number of hon. Members from both sides of the House who have contributed, and I thank them for that—I am sure the young carers they represent will be grateful too. I am also grateful to hon. Members for sharing their personal experience, which underlines the point about recognising only the tip of the iceberg. Four hon. Members described their experience as young carers, which makes an important statement about the number who go without recognition.

The point was made that good work is done by volunteers, and that is absolutely right, but we should not have to depend on them. Their work should be underpinned by good statutory provision, which needs to be consistent across the country if young carers are not to burn out.

I thank the Minister for the answers that he did provide, although I was disappointed by some of them. He spoke quickly and quietly, so I did not catch everything that he said—I will be reading *Hansard*. I gave the Department four days' written notice of every question, so I had hoped that I would get fuller answers. In some cases, where he did answer, he tried to shift responsibility away from the Government and on to local authorities and others, which was disappointing.

Finally, I pay tribute to Sheffield Young Carers, which was the inspiration for the debate. I hope that it recognised, in all the contributions, how strongly hon. Members feel about these issues and how far we will not let them go.

Question put and agreed to.

Resolved,

That this House has considered support for young carers.

5.29 pm

Sitting adjourned.

Written Statements

Tuesday 12 February 2019

TREASURY

ECOFIN

The Chancellor of the Exchequer (Mr Philip Hammond):

A meeting of the Economic and Financial Affairs Council (ECOFIN) will be held in Brussels on 12 February 2019. The UK will be represented by Mark Bowman (Director General, International Finance, HM Treasury). The Council will discuss the following:

Early morning session

The Eurogroup President will brief the Council on the outcomes of the 11 February meeting of the Eurogroup, and the European Commission will provide an update on the current economic situation in the EU.

European system of financial supervision review

The Council will be invited to agree a general approach on the review of the European system of financial supervision.

Current financial services legislative proposals

The Romanian presidency will provide an update on current legislative proposals in the field of financial services.

Decision making in EU taxation policy

The Council will hold an exchange of views on the European Commission's proposal to move to qualified majority voting (QMV) in EU taxation policy.

Fiscal sustainability report

The Council will be invited to adopt Council conclusions on the 2018 fiscal sustainability report.

Discharge of the EU budget

The Council will be invited to approve a Council recommendation to discharge to the European Commission in respect of the 2017 EU budget.

EU budget guidelines

The Council will be invited to adopt Council conclusions on the EU budget guidelines for 2020.

AOB—carbon pricing and aviation tax

The Dutch Finance Minister will present a paper to the Council on carbon pricing and aviation tax.

[HCWS1327]

HOME DEPARTMENT

National DNA Database Strategy Board Annual Report

The Minister for Policing and the Fire Service (Mr Nick Hurd): My noble Friend the Minister of State, Home Office (Baroness Williams of Trafford) has today made the following written ministerial statement:

The Secretary of State for the Home Department, my right hon. Friend the Member for Bromsgrove (Sajid Javid) is today laying before the House the annual report of the national DNA database strategy board for 2017-18. This report covers the national fingerprints database and the national DNA database (NDNAD).

Chief Constable James Vaughan has presented the annual report of the national DNA database to the Home Secretary. Publication of the report is a statutory requirement under section 63AB(7) of the Police and Criminal Evidence Act 1984 as inserted by section 24 of the Protection of Freedoms Act 2012.

The report shows the important contribution that the NDNAD and the national fingerprint databases (policing collections) make to supporting policing and solving crimes. I am grateful to the strategy board for their commitment to fulfilling their statutory functions.

A copy of the report will be made available on gov.uk.

[HCWS1326]

Biometrics and Forensics Ethics Group

The Minister for Policing and the Fire Service (Mr Nick Hurd): My noble Friend the Minister of State, Home Office (Baroness Williams of Trafford) has today made the following written ministerial statement:

On 20 July 2017, the Home Secretary extended the remit of the National DNA Database Ethics Group (NDNADEG) to cover the ethical issues associated with all forensic identification techniques and renamed the group as the Biometrics and Forensics Ethics Group (BFEG).

To support the Home Office's strategic approach to data, and to build public trust, it has been agreed to extend the remit of the BFEG further. The group will now also be asked to consider strategic issues relating to the use of large and complex data sets by the Home Office. This will include providing independent oversight of the data ethics governance framework established to ensure balanced consideration of the use of data within the Home Office.

The group will act within the legal framework of the Department on an advisory basis. It will not be in the remit of the group to consider whether the Department has complied with the relevant laws, nor will the Department disclose personal data to the group to enable it to discharge its responsibilities.

The BFEG will continue to consider the ethical aspects of:

- the application and operation of technologies which produce biometric and forensic data and identifiers;

- ethical issues relating to scientific services provided to the police service and other public bodies within the criminal justice system;

- applications for research involving access to biometric or forensic data; and

- matters relating to the management, operation and use of biometric or forensic data.

[HCWS1325]

TRANSPORT

East Midlands Rail Franchise

The Parliamentary Under-Secretary of State for Transport (Andrew Jones): I wish to inform the House that the Secretary of State for Transport, has reached agreement with Stagecoach Group to continue to operate train

services on the east midlands rail franchise. This direct award means that passengers from London St Pancras International to Northamptonshire, the east midlands, Lincolnshire, Staffordshire and South Yorkshire will continue to be served by East Midlands Trains until 18 August 2019. If required there is an option to extend this agreement by up to a further six rail periods.

East Midlands Trains has achieved good performance and passenger satisfaction levels during the time they have been operating the franchise and the new agreement will allow for a smooth transition into the next competitively-tendered franchise. In the forthcoming months I expect East Midlands Trains to deliver the following improvements as part of the new agreement:

- investment of £150,000 on accessibility improvements at stations;

- a simplified application process for Delay Repay.

As a minimum East Midlands Trains will also be expected to continue to deliver the following:

- good performance levels and passenger satisfaction;

- a mobile app which provides real time information on the operation of passenger services and enables customers to book and pay for travel;

- a 4G wi-fi service and provide at least 15 minutes of free access per passenger journey on standard class.

This direct award will ensure a smooth transition from the current operator to the next franchise which is expected to deliver significant passenger benefits including more services and seats across the franchise, in addition to better facilities and further improved accessibility at stations.

[HCWS1322]

Taxi and Private Hire Vehicle Licensing

The Parliamentary Under-Secretary of State for Transport (Ms Nusrat Ghani): I am today announcing to the House the launching of a consultation on statutory guidance to be issued to taxi and private hire vehicle (PHV) licensing authorities and that the Government have issued their response to the report of the task and finish group on taxi and private hire vehicle licensing.

The draft statutory guidance proposes a range of robust measures to protect taxi and PHV passengers, particularly those most vulnerable. Government and licensing authorities must work together to ensure that, above all else, the taxi and PHV services the public use are safe. The consultation on this guidance will run until 22 April 2019.

The taxi and PHV trade has experienced significant and rapid changes in recent years which have brought with them benefits but have exacerbated concerns over the existing structure of the industry and the environment in which it operates. In particular, many of these changes have highlighted inconsistencies in the licensing standards, and in the rigour with which these standards are applied by some licensing authorities.

The recommendations proposed in the draft statutory guidance are a result of extensive consultation, and in particular learning from the best practice of exemplary licensing authorities. Consulting on statutory guidance is an important first step to reforming the way the taxi and PHV sector is regulated.

In addition to the statutory guidance consultation, the Government are today publishing their response to the report of the chair of the task and finish group. The Government have set out their plans to introduce legislation and bring forward the urgent reforms necessary. I would like to take this opportunity to thank the Chair, Professor Mohammed Abdel-Haq, for his report, and the members of the group for their dedication in considering the issues facing the trade and their potential remedies.

The Government will, when time allows, bring forward legislation to introduce national minimum standards for taxi and PHV licensing, reinforcing the consistently high standards that the statutory guidance will bring to the sector. To ensure that drivers are under the same level of scrutiny when operating away from their licensing area we will legislate to enable enforcement and compliance checks to be conducted by any licensing officer against any vehicle regardless of where they have been licensed. Where drivers or vehicles fail to meet the national minimum standards, they will be able to take appropriate action to protect the public. Underpinning these measures will be the introduction of a national licensing database to assist the sharing of relevant information between licensing authorities and other bodies necessary to ensure that all those in the trade are “fit and proper” and warrant the trust that is placed in them by the public. This database will build on the work of the Local Government Association and the National Anti-Fraud Network in establishing the national register of revocation and refusals.

Taxis and PHVs provide a vital community service which is used by many people; helping them get to the shops, see their friends, or go to work or school. We will work with the trade, drivers and regulators as well as passenger groups to meet the challenges the sector is expected to face in the future and ensure that change is not at the expense of a safe and well-functioning market. This work is already under way through the future of mobility grand challenge and the Law Commission’s consideration on enabling autonomous vehicles. I would encourage all to engage on these issues and help shape a successful sector that all can be proud of.

[HCWS1323]

Second Additional Provision to the High Speed Rail (West Midlands – Crewe) Bill

The Parliamentary Under-Secretary of State for Transport (Ms Nusrat Ghani): I would like to inform the House about the introduction of a second additional provision to the High Speed Rail (West Midlands - Crewe) Bill, which is currently before a Select Committee.

As part of this Government’s industrial strategy we are investing in High Speed 2, a transformational infrastructure project that will improve people’s journeys, create jobs, generate economic growth and help to rebalance our country’s economy. HS2 is more than a railway and the project’s vision is to be a catalyst for economic growth. It has cross-party support and support from councils, local enterprise partnerships, metro Mayors and businesses who can see the transformational potential.

HS2 is making progress and the benefits are already being seen in towns and cities in advance of HS2 services. Around 2,000 businesses have been awarded HS2 contracts and over 7,000 jobs have been supported, a figure that will increase to around 30,000 at peak.

The additional provision proposes a number of changes to the powers in the Bill for the Select Committee's consideration. These changes have arisen as a result of requests from petitioners, directions from the Select Committee currently considering the Bill, and further design development, principally in relation to utility works. Those directly and specially affected by these changes may petition against them, and once any petitioners have been heard, the Committee will decide whether the amendments to the Bill should be made. The main changes in the additional provision are as follows:

- The lowering of the viaduct at Kings Bromley which reduces environmental effects such as visual impact;

- a revised and more simple Handsacre junction layout, where phase one connects to the west coast main line;

- a new traction power connection, requiring over 7 km of high voltage electricity lines, from the HS2 line at Newlands Lane to the east of the route. This change ensures the necessary resilience and redundancy required for traction power on a high-speed railway;

- temporary and permanent power supply routes to the Whitmore and Madeley tunnels, to support the operation of the tunnel boring machines during construction and later, the operation of the tunnels;

- a southward extension of the southern end of the tunnel at Whitmore, to avoid the need for complex surface works where the A53 crosses the route; and

- works at and around Crewe station including the extension of platform 5 to accommodate 400-metre HS2 trains. These changes support the realisation of the Crewe hub vision.

The additional provision also includes works and powers related to utilities following detailed discussion with utility companies. Other changes relate to highway safety and capacity improvements.

All of these changes require additional land to be acquired, and/or works to be carried out. In some cases land now affected is at some distance from the line of route. Full details are shown in the plans and sections deposited alongside the additional provision. Affected landowners will receive notification this week, including information on how to petition against the changes, should they decide to do so.

The following amendments are also included in this additional provision:

- An insertion to allow easements over land to be for the benefit of a third party (i.e. utility companies) rather than for the benefit of the Secretary of State;

- dis-application of some sections of the Building Act 1984 in relation to demolitions which are already otherwise authorised by the Bill; and

- increasing the controls on the nominated undertaker in relation to low-volume lorry movements.

I am also publishing an environmental statement setting out the significant effects and mitigation from the changes in the additional provision, alongside a supplementary environmental statement reporting new environmental information relating to the scheme. In accordance with Standing Orders, there is a public consultation on these documents which will run until 29 March 2019. The documents will be put in the Public Bill Office of the House, and will also be made available in locations open to the public in all local authorities and parishes affected by the changes.

In October 2018, I committed to updating the House regularly on the progress of HS2. I intend to make further statements to this House to update colleagues on HS2's progress during the course of 2019.

[HCWS1324]

Petitions

Tuesday 12 February 2019

PRESENTED PETITIONS

Petition presented to the House but not read on the Floor

The future of maintained nursery schools

The petition of parents, carers, staff and governors of Newtown Nursery maintained nursery school in Colne,

Declares that we are concerned about the future of maintained nursery schools in England after March 2020 as no guarantee has been given by government that adequate funding will continue when supplementary funding ends.

The petitioners therefore request that the House of Commons urges the Government to take action to ensure maintained nursery schools are financially sustainable for the future.

And the petitioners remain, etc.—[*Presented by Lucy Powell .*]

[P002424]

The petition of parents, carers, staff and governors of Horsham Nursery School maintained nursery school in Horsham,

Declares that we are concerned about the future of maintained nursery schools in England after March 2020 as no guarantee has been given by government that adequate funding will continue when supplementary funding ends.

The petitioners therefore request that the House of Commons urges the Government to take action to ensure maintained nursery schools are financially sustainable for the future.

And the petitioners remain, etc.—[*Presented by Lucy Powell .*]

[P002425]

Ministerial Correction

Tuesday 12 February 2019

EDUCATION

Post-16 Education: Funding

The following is an extract from questions to the Secretary of State for Education on 4 February 2019.

Anne Milton: The Raise the Rate and Love Our Colleges campaigns have been very successful and, to a large extent, led to the number of hon. Members who attended that debate to raise the issue. I will continue to raise this with the Treasury. It has to be said—I have to continue to point this out to hon. Members—that there is over £2 billion available in apprenticeship funding from 2020. It is there now. Currently, colleges are not

doing that much of that apprenticeship training. I look forward to seeing them getting more involved in those opportunities.

[Official Report, 4 February 2019, Vol. 654, c. 3.]

Letter of correction from the Minister for Apprenticeships and Skills:

Errors have been identified in my response.

The correction information should have been:

Anne Milton: The Raise the Rate and Love Our Colleges campaigns have been very successful and, to a large extent, led to the number of hon. Members who attended that debate to raise the issue. I will continue to raise this with the Treasury. It has to be said—I have to continue to point this out to hon. Members—that there is over **£2.5 billion** available in apprenticeship funding from **2019-2020**. It is there now. Currently, colleges are not doing that much of that apprenticeship training. I look forward to seeing them getting more involved in those opportunities.

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