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HOUSE OF COMMONS
OFFICIAL REPORT

PARLIAMENTARY
DEBATES
(HANSARD)

Monday 25 February 2019

HER MAJESTY'S GOVERNMENT

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OFFICIAL REPORT

IN THE FIRST SESSION OF THE FIFTY-SEVENTH PARLIAMENT OF THE
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
[WHICH OPENED 13 JUNE 2017]

SIXTY-EIGHTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIXTH SERIES

VOLUME 655

THIRTEENTH VOLUME OF SESSION 2017-2019

House of Commons

Monday 25 February 2019

The House met at half-past Two o'clock

PRAYERS

[MR SPEAKER *in the Chair*]

Oral Answers to Questions

HOME DEPARTMENT

The Secretary of State was asked—

Online Platforms: Extremist Content

1. **Julie Elliott** (Sunderland Central) (Lab): What recent discussions he has had with online platform providers on taking down extremist content. [909387]

8. **Paula Sherriff** (Dewsbury) (Lab): What recent discussions he has had with online platform providers on taking down extremist content. [909394]

9. **Mr Barry Sheerman** (Huddersfield) (Lab/Co-op): What recent discussions he has had with online platform providers on taking down extremist content. [909395]

The Secretary of State for the Home Department (Sajid Javid): The Government have been clear that there should be no safe spaces online for terrorists and extremists to operate in. We work closely with industry to encourage them to develop innovative solutions to tackle extremist content, but there is still more to do. A White Paper will be published shortly setting out measures to tackle online harms, including terrorist content.

Julie Elliott: I thank the Home Secretary for that answer. I understand that his Cabinet colleague the Secretary of State for Digital, Culture, Media and Sport recently met Mark Zuckerberg, the CEO of Facebook, and was quoted as saying after the meeting that “the UK Government wants to keep its citizens safe online”.

Mr Zuckerberg refuses to come before the House’s Select Committee. Can the Home Secretary update the House on what discussions he has had with his Cabinet colleague as a result of that meeting, particularly in relation to what will be introduced to make people safe on social media and online?

Sajid Javid: The hon. Lady raises an important issue. I am meeting the Culture Secretary later this afternoon, and then I will get a briefing on the meetings he has had in the US. If she will allow me, I will write to her after that. She makes an important point. It may help if I share with the House the fact that Facebook has announced that it has taken action to take down some 9.4 million pieces of Daesh and al-Qaeda content in the second quarter of 2018. That is a substantial rise on what it has achieved in the past, and most of that is due to its own technology and internal reviewers. There is still more to do, but some progress is being made.

Paula Sherriff: The evidence strongly suggests that much more needs to be done to tackle this growing issue. What penalties does the Home Secretary envisage imposing on the internet giants, which have so far proved reluctant to help stamp out extreme content online?

Sajid Javid: Again, the hon. Lady raises an important point. I know that she, like other Members, has suffered from vile content being directed at her on the internet, which is unacceptable, and that is why more needs to be done. We are working closely across Government—especially my Department with the Department for Digital, Culture, Media and Sport—on the online harms White Paper. I do not want to prejudge or announce now what is in that paper, but I can assure her that we are taking this issue very seriously, and if it is helpful, I am happy to meet her to discuss it further.

Mr Sheerman: I urge the Secretary of State to take action. I have not had half the vile stuff that my female colleagues have had, but it is disgusting. I get threats and have had people arrested for things they have posted on my website. Can we have action now? There is a culture we have to change of people making horrible threats anonymously and disgusting stalking. Let us put an end to it now.

Sajid Javid: I very much share the hon. Gentleman's sentiment. As he pointed out, there is some action that the police and law enforcement could take today, but it is not enough. I do not think that there are enough rules and laws in place to tackle this. That is why we are working across Government to see what more needs to be done, but I very much share his concerns, and I hope he will welcome the White Paper when it is published.

Dr Julian Lewis (New Forest East) (Con): Until now, the approach even of the more responsible internet companies has been that somebody else has to report something first, and then they will consider taking it down. Surely they should be proactive. If people can search for vile material and find it, why can the companies not search for it proactively and then take it down?

Sajid Javid: My right hon. Friend is right. We have seen some good examples. As I mentioned, Facebook is starting to use machine learning and artificial intelligence to track down this material and, in some cases, even prevent it from being uploaded in the first place. Given that this challenge is caused by technology—much of which we embrace—we should be using more technology to tackle it.

Maggie Throup (Erewash) (Con): Campaigners against the abhorrent practice of female genital mutilation have highlighted how young girls are often coerced into undergoing the procedure through using online platforms. Will my right hon. Friend ensure that the Government's online harms White Paper includes measures to prevent FGM victims being targeted in this way?

Sajid Javid: I would like to give my hon. Friend that assurance. This House and hon. Members across the House have done a huge amount in recent years to fight the abhorrent practice of FGM. My hon. Friend is right to highlight how the internet has been used to promote this vile practice, and I can give her the assurance that it is one of the harms being looked at in the White Paper.

Tom Tugendhat (Tonbridge and Malling) (Con): Mr Speaker, you will have heard, as we all have over the weekend, of the vile extremism that has spread over the internet and has encouraged many people to join groups such as ISIS. Does my right hon. Friend agree that the opportunity has really come to change the law, and to look at how we can charge people with treason? Will he look at the espionage Bill, which is coming before this House soon, and see whether the Policy Exchange report written by me and the hon. Member for Birmingham, Perry Barr (Mr Mahmood) could be used as an inspiration for some amendments to that law?

Sajid Javid: My hon. Friend makes an important point. He will know that this House recently passed the Counter-Terrorism and Border Security Bill and made it into an Act that gives the Government some new

powers on fighting terrorism. He has also raised the issue of further potential powers, including in relation to treason. I am taking these issues very seriously. We are looking at this, and I would be happy to meet him and discuss this further.

Nick Thomas-Symonds (Torfaen) (Lab): I worked with the Security Minister on what is now the Counter-Terrorism and Border Security Act 2019 to update our laws to deal with those who access online extremist content, but platform providers have to take responsibility too. The Home Secretary says he is concerned about it, indicates he has spoken to the tech giants about it and has promised a White Paper, but what excuse does he have for not acting now?

Sajid Javid: The Government are acting now. For example, last year I made two visits to meet the online giants in the United States. One of those was for the Global Internet Forum to Counter Terrorism, which the UK Government sponsor, as the hon. Gentleman will know. It is an industry body, but it works both with the large platforms and with the small platforms. We are working with it to see what more can be done to use technology, especially with auto-detection. I welcome the hon. Gentleman's support—he did support the measures in the Counter-Terrorism and Border Security Bill, and I thank him and his colleagues for that—and I look forward to working with him even more closely.

Asylum Seekers: Right to Work

2. **Christine Jardine** (Edinburgh West) (LD): What assessment he has made of the potential merits of giving asylum seekers the right to work. [909388]

The Minister for Immigration (Caroline Nokes): Our current policy allows asylum seekers to work in jobs on the shortage occupation list, where their claim has been outstanding for 12 months or more through no fault of their own. However, there is ongoing work in this area, and I continue to have discussions with stakeholders and right hon. and hon. Members on this very important subject.

Christine Jardine: I hear the argument the Minister is making, but I remain baffled about why the Government are prepared to allow people, often very highly skilled people, to come to this country and force them to live on £5.40 a day, when they often have the skills we are crying out for, especially in key health service sectors. Does she not agree with me that allowing asylum seekers to rebuild their lives by going into employment and making an economic contribution would make them feel valued and would have benefits for us as well?

Caroline Nokes: I thank the hon. Lady for making that point. Of course, this policy is designed to protect the resident labour market so that access to employment is prioritised for British citizens, and it is important to reflect that about 50% of asylum seekers are ultimately found not to be in need of international protection.

Mr Philip Hollobone (Kettering) (Con): The asylum system simply is not working. Between 2010 and 2016, 81,000 asylum applications were either refused or withdrawn, yet only one third of these people were removed and

54,000 are still here. Before considering the employment of asylum seekers, will the Immigration Minister sort out the asylum system itself?

Caroline Nokes: I would like to reassure my hon. Friend that we are committed to making sure that asylum claims are considered without unnecessary delay and to making sure that, when decisions are made, they are the right decisions first time. He makes an important point about returns. This Government are committed to working both with stakeholders and with individual people who have failed in their asylum claims to promote voluntary returns and make sure that they are returned to their home countries, where it is safe to do so.

Emma Hardy (Kingston upon Hull West and Hessle) (Lab): My constituent Ehi Izevbaye has been in the UK for more than 14 years with no right to work and he has a 10-year-old daughter. He has been repeatedly turned down for leave to remain and now faces deportation. They say he has run out of options. The Home Office has made a catalogue of errors and mistakes with this incredibly complex case. Please will the Minister look personally at the case and review it, and either agree to meet me to discuss it further or consider what she can do to help him?

Caroline Nokes: I thank the hon. Lady for raising that individual case. I am of course happy to meet her to discuss it in detail. In circumstances in which somebody has had a claim outstanding for a considerable period and has a child, it is important that we continue to act to ensure that we are faster in making decisions.

Sir David Evennett (Bexleyheath and Crayford) (Con): Does my right hon. Friend recognise the importance of work for physical and mental wellbeing and for community integration? Does she agree that we should do everything we can to ensure integration?

Caroline Nokes: My right hon. Friend is absolutely right to emphasise the importance of work. I often say, with no irony whatsoever, that I spent a very happy 12 months at the Department for Work and Pensions. I am conscious of the importance of work for people's physical, mental and emotional wellbeing, not to mention the fact that children are better off when their parents are in work. My right hon. Friend is absolutely right to mention integration. I commend the work of the Ministry of Housing, Communities and Local Government on its integration Green Paper, and the Home Office is working closely with it.

Patrick Grady (Glasgow North) (SNP): I wonder whether in her own surgery the right hon. Lady has ever had to look an asylum-seeking constituent in the eye and explain to them why they are forced to walk around with a plastic card that says, "Not permitted to work". The right to work is a fundamental human right, so is it not about time that the Government extended that right to all asylum seekers?

Caroline Nokes: I hope that the hon. Gentleman was listening when I made the point that the policy is about protecting the labour market for British workers. Of course I have met asylum seekers in my surgery. Indeed, the ward of Swaythling in Southampton has one of the

highest numbers of supported asylum seekers in the entire city, and it falls within my constituency. It is important that we get the balance right and find out how we can best support people into work, but what we do not want to do is create perverse incentives for people to seek to come here by circumventing our important immigration rules, which reserve the right to work for those who have applied through the correct processes.

Windrush Generation: Compensation

3. Lilian Greenwood (Nottingham South) (Lab): What progress his Department has made on providing compensation to victims of the Windrush scandal. [909389]

The Secretary of State for the Home Department (Sajid Javid): Successive Governments have failed the Windrush generation, but it remains this Government's priority to put those wrongs right. On 8 February, I issued a written ministerial statement to inform the House that the Government response to the Windrush compensation scheme consultation will set out the details of the scheme along with accompanying guidance and rules. The response will be published shortly.

Lilian Greenwood: When the Home Secretary was appointed he told this House that it was his first priority to help those affected by the Windrush situation. That was in July last year—over seven months ago. The consultation ended on 16 November, but he still cannot—or will not—tell us when the final details of the scheme will be announced. If this is how he treats his first priority, I would hate to think how he treats the others. When can my constituents expect the compensation they so desperately need and deserve?

Sajid Javid: It remains a first priority, which is why since I have been appointed we have helped more than 2,000 people through the Windrush taskforce; created the Windrush scheme; helped almost 3,500 people to apply for citizenship; waived thousands of pounds in costs; and set up an urgent assistance programme for exceptional cases. The hon. Lady is right to raise the compensation scheme. It is hugely important that we do it properly and get it right. That is why we have held a consultation, with an independent reviewer, to make sure that we look at all the issues and it is done properly.

Afzal Khan (Manchester, Gorton) (Lab): Since our urgent question, the Jamaican commissioner has joined calls from across the House to halt deportation flights to Jamaica. After Windrush, where we know that hundreds of people were wrongfully deported or detained, this Government cannot be trusted to follow the correct process. What is their plan for future deportation flights, and will the Home Secretary suspend them until the lessons of Windrush have been learned?

Sajid Javid: As the hon. Gentleman will know, this issue has been discussed in the House. He refers to the charter flight to Jamaica on 6 February. On that flight were 29 foreign national offenders, all convicted of serious crimes. He will know that in each of those cases—as I said, they were all foreign national offenders—we took extra care to ensure that none were subject to the Windrush scheme. Every single one arrived

after 1 January 1973 and there is no evidence to indicate that any had been here before that date. He will know that, under a law passed by a previous Labour Government, the Home Secretary is mandated by law to issue a deportation order for anyone who is given a sentence of more than one year. Surely he is not asking me to break the law.

EU Settlement Scheme

4. John Howell (Henley) (Con): What support he is providing to applicants to the EU settlement scheme. [909390]

The Secretary of State for the Home Department (Sajid Javid): EU citizens make a huge contribution to our economy and society, and we want them all to stay. The EU settlement scheme enables them to do so. The scheme will be free of charge, and we are putting in place measures to ensure it is streamlined, user-friendly and accessible to all prospective applicants.

John Howell: With exit day drawing closer, can my right hon. Friend confirm that the Government will do everything to protect the rights of British citizens in the EU and EU citizens in the UK, regardless of whether there is a deal or not?

Sajid Javid: I am very happy to give my hon. Friend that assurance. It is vital that we give people full reassurance that their rights will be protected as we leave the EU, which is why we have made it crystal clear that, whether there is a deal or no deal, the rights of EU citizens resident here will be protected through the EU settlement scheme. We will continue to work with our friends in the EU, the EU27, asking them to provide the same absolute assurances to UK nationals living in their countries.

Yvette Cooper (Normanton, Pontefract and Castleford) (Lab): The Home Affairs Committee heard in a recent evidence session that those who did not register under the EU settlement scheme in time would be unlawfully resident. Can he confirm whether that is the case? What rights will those people have if they have not registered with the EU settlement scheme?

Sajid Javid: As the right hon. Lady will know, we want to make sure that all EU citizens who are here know exactly how the process works for them to stay. We want them all to stay and we want to make the scheme that I have just set out as easy and accessible as possible. As with any scheme, there will need to be a cut-off period at some point, not least because this is about protecting the rights of EU citizens so that as we end freedom of movement there is no possibility that we can have another Windrush-type situation, which she knows was created by successive Governments not properly documenting a change in immigration status for people who were already here. It is important that we get this right. In terms of a cut-off, we will take a proportionate and sensible approach.

Nicky Morgan (Loughborough) (Con): A whisper may have reached the Home Secretary that my hon. Friend the Member for South Leicestershire (Alberto Costa) is going to propose an amendment on Wednesday calling for a joint UK-EU commitment to adopt part two

of the draft withdrawal agreement as soon as possible. May I invite the Home Secretary to indicate, for the very reasons he has just set out, that the Government are supportive of that position?

Sajid Javid: I have been very clear, and I am very happy to say so again to my right hon. Friend, that we want to make sure we are doing everything we can to guarantee the rights of EU citizens who are here in the UK, whether there is deal or no deal. She refers to concerns raised by hon. Members, including my hon. Friend the Member for South Leicestershire. I welcome the interest of both him and my right hon. Friend. I would be happy to meet them to discuss it further.

Sir Edward Davey (Kingston and Surbiton) (LD): Further to the question from the Select Committee Chair, the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper), does the Home Secretary not realise that there could be a large number of EU citizens living here now who may not, for a number of reasons, manage to register by the June 2021 deadline? Will the Home Secretary therefore look at alternative ideas that are being put forward, for example a declaratory scheme, so that EU citizens can get their rights here and we can treat these people with the respect and dignity they deserve?

Sajid Javid: I could not be clearer: the rights of all EU citizens who are here in the UK prior to exiting the European Union will absolutely be protected. We will do everything we can, whatever is necessary, to ensure that. The right hon. Gentleman makes a suggestion about a declaratory scheme. I say again—this is a very important point—that that is exactly what was done in the '70s with the Windrush generation and we all have seen the consequences of that all too clearly. They were not designed by anyone; that was the outcome of a declaratory scheme. We cannot have such a situation again. I am happy to look at any other ideas and thoughts that hon. Members have on this matter, but I think we all share the concern that we must ensure that rights are protected and properly protected.

Steve Double (St Austell and Newquay) (Con): I was pleased recently to add my name to an open letter from the Cornwall leadership board to all EU citizens living in Cornwall, making it clear that we want them to remain here and that we want to make it easy for them to do so. However, concerns remain about getting the message out about the settled status scheme to the more rural and hard-to-reach communities in Cornwall, so will the Home Secretary reassure me that the Home Office will make every effort to get the message out to the remotest parts of our country?

Sajid Javid: Yes, I can give my hon. Friend that reassurance. That is a very important point: we want to make sure that we are reaching not just people in rural communities outside our big cities, but those who might be more vulnerable, perhaps because they are disabled or are children who are being looked after by local authorities. We need to make sure that we reach out to all of them, which is why we are working with a number of organisations. We have allocated £9 million of funding for them to make sure that they can go out and reach all these vulnerable groups.

Joanna Cherry (Edinburgh South West) (SNP): The right hon. Member for Loughborough (Nicky Morgan) has asked the Home Secretary about an amendment to be debated in the House later this week, requiring the Prime Minister to seek to ring-fence the rights of both UK citizens in the EU and EU citizens in the UK, regardless of whether the withdrawal agreement is signed. This ring-fencing has cross-party support across the House, including from many Government Back Benchers. What possible reason could there be for the Home Secretary not to recommend to the Prime Minister that the Government accept that amendment?

Sajid Javid: The hon. and learned Lady will know that the Prime Minister is not able to speak on behalf of the EU; she can speak only on behalf of the UK. She is not able to force the EU to ring-fence anything—that is ultimately a decision for the EU. What the UK can do, though, is unilaterally guarantee the rights of all EU citizens, regardless of whether there is a deal or no deal, and that is exactly what we are doing.

Joanna Cherry: Well of course, what the Prime Minister is being asked to do is to seek an agreement from the EU, not to force the EU. However, if the Government are not prepared to do that, will they do this? The British in Europe campaign group told the Immigration and Social Security Co-ordination (EU Withdrawal) Bill Committee last week that the best alternative to bilateral ring-fencing was to put the settled status qualifying criteria in the Bill along with a clear statement of strong settled status rights. That would be best practice and would give other countries in the European Union significant encouragement to reciprocate. Will the Home Secretary commit to that as a fall-back position?

Sajid Javid: I absolutely share the hon. and learned Lady's concerns. It might be useful to point out that we can guarantee people's rights through secondary legislation, which would be much more straightforward and easier, and that is our plan. As we have set out, we absolutely will be guaranteeing the rights of all EU citizens, regardless of deal or no deal, and when that comes to this House, hopefully through secondary legislation, I hope that hon. Members will support it.

Online Content: Crime

5. **Rebecca Pow** (Taunton Deane) (Con): What steps he is taking to ensure that tech companies tackle serious crimes perpetrated on their platforms. [909391]

The Minister for Security and Economic Crime (Mr Ben Wallace): Tackling serious crime online is one of our highest priorities. We are increasing our investment in law enforcement and will set out plans to legislate in the online harms White Paper, which will set clear responsibilities for tech companies to keep UK citizens safe online, including through protection from serious online crime.

Rebecca Pow: Following an 18-month investigation into fake news and disinformation by the Select Committee on Digital, Culture, Media and Sport—I was proud to be part of that—it has published its recommendations, one of which called for comprehensive new regulations. The main detail, however, was to have an independent regulator to ensure that social media companies are

forced to take down harmful comment. Does the Minister agree with the recommendations, and does he also agree that speed is of the essence?

Mr Wallace: My hon. Friend highlights the very good report produced by the Committee, which was full of really good ideas. I do not want to anticipate the online harms White Paper and what may be consulted on—the White Paper will be part of a consultation—but I totally agree with her that speed of action is incredibly important. It is about time for these big, hugely profitable tech companies to take responsibility, step up to the plate and do something about this.

John Woodcock (Barrow and Furness) (Ind): At the moment tech companies are apparently taking down masses of material, but would it not be much more helpful if they were automatically required to pass on to law enforcement agencies the IP addresses and registration details of accounts that abuse their own practices?

Mr Wallace: The hon. Gentleman highlights something that is already the case for child sexual exploitation images in the US, and we get up to 4,000 referrals a month from US and Canadian ISPs where that has been identified. Exploring broadening that out would be welcome, but we should not forget that a large part of what these companies do is about making profit. The algorithms in their platforms are about hooking people into watching more and more, and they need to get to the heart of their business case as well as their technology so that we can deal with the challenges.

Charlie Elphicke (Dover) (Con): One of my constituents, a teenager whose brother was murdered, has recently been targeted by vile abuse online from a person claiming to be the murderer of her brother. What is the Home Office doing to ensure that social media companies such as Snapchat do much more to help to catch trolls making such malicious communications, who think they can hide behind the keyboard and get away with it?

Mr Wallace: I hope that the online harms White Paper will address many of those issues, and I look forward to my hon. Friend's contribution to it.

Stewart Malcolm McDonald (Glasgow South) (SNP): Too often what happens is that the content that is uploaded does not break the law, but it leads to the law being broken, and is often followed by harassment campaigns against individuals. Too often Facebook is not just a safe space for that stuff—which it is—but actually the weapon of choice. When will we get legislation to properly regulate companies such as Facebook that, from what I can see, do not really give a damn?

Mr Wallace: First, the online harms White Paper consultation, which as I have said will be published imminently, will be a chance for all of us to contribute to the best policy tools to deal with that threat. Secondly, we need to recognise that under EU law we currently have the issue of mere conduit, whereby one of the statutory defences for the companies is, "We are just a conduit for this material: we do not take responsibility for it." That is why issues such as duty of care are an attractive policy model that we should look at adopting as a potential solution to the problem.

Will Quince (Colchester) (Con): Given the dangers our children are exposed to on social media platforms, does my right hon. Friend agree that those platforms should look to fund education seminars in schools on how to stay safe online?

Mr Wallace: My hon. Friend makes a really good point. Some of the large companies already do that: Google, for example, goes to many constituencies and makes presentations in primary schools. I would recommend that all hon. Members approach the company and ask it to come to their constituencies. I went to a session in my constituency which made a difference for young people in staying safe online. But there is a lot more that companies could do, and that is what we will push for in the online harms White Paper.

Crime Levels

6. **Rachael Maskell** (York Central) (Lab/Co-op): What steps he is taking to tackle rising levels of crime.

[909392]

The Parliamentary Under-Secretary of State for the Home Department (Victoria Atkins): Crimes traditionally measured by the independent crime survey for England and Wales are down by more than a third since 2010. The assessment by the Office for National Statistics is that crime has fallen over recent decades, and overall, levels of crime are currently stable. But we accept that certain crimes, particularly violent crimes, have increased, and we are doing everything possible to address that.

Rachael Maskell: Crime rates are up 13% in North Yorkshire and up in every single category of crime. I met the police this weekend, and our amazing officers are breaking. Cuts have serious consequences. I am dialling 999 for help in York: how will the Minister respond to my call?

Victoria Atkins: I am sure that the hon. Lady will welcome the fact that the Government have provided up to £970 million more for policing in this year, which means more than £11 million for her constabulary. I am sure she will be delighted that that will be spent by the Conservative police and crime commissioner to fund 50 more police officers and 20 more police community support officers.

Jack Lopresti (Filton and Bradley Stoke) (Con): Does my hon. Friend agree that greater flexibility for local police and crime commissioners will better enable local forces to solve local problems?

Victoria Atkins: Very much so. As my hon. Friend knows, the Government support police and crime commissioners precisely because we believe that, ensconced in their local communities, they can understand the local policing priorities in their areas better than bureaucrats in Whitehall.

19. [909407] **Neil Coyle** (Bermondsey and Old Southwark) (Lab): It is not just crime that troubles communities. Antisocial behaviour is also on the rise and, after nine years of cuts to police officer numbers and council budgets, local authorities and the police say that they do not have the officers, resources or powers to tackle

the problem effectively, leaving huge numbers of people in constituencies such as mine to live in misery because of problematic individuals locally. What is the Home Office doing to tackle antisocial behaviour?

Victoria Atkins: The hon. Gentleman is right to raise the issue of antisocial behaviour. Indeed, we debated it recently, courtesy of the hon. Member for Kingston upon Hull North (Diana Johnson), who is sitting behind him. During that debate, we discussed the fact that the Anti-Social Behaviour, Crime and Policing Act 2014 had introduced six powers for not just the police but local authorities and even landlords—and Transport for Greater Manchester, for example—that will help to stop antisocial behaviour. However, we are well aware that such behaviour can be a terrible blight on local communities, and we encourage police, local authorities and other agencies to work together to tackle it.

Several hon. Members rose—

Mr Speaker: Order. In my usual spirit of helpfulness, I advise the hon. Member for Berwick-upon-Tweed (Anne-Marie Trevelyan) that if she were to seek to shoehorn her inquiry at Question 18, which will not be reached, into that of which we are treating now, she would be fortunate.

Anne-Marie Trevelyan (Berwick-upon-Tweed) (Con) *rose—*

Mr Speaker: Oh, very well done!

18. [909405] **Anne-Marie Trevelyan** (Berwick-upon-Tweed) (Con): Thank you, Mr Speaker—and I apologise for my cold.

A business in my constituency was the victim of fraudsters who hacked into Barclays bank's financial system, stealing £500,000 from its accounts. There seems to be no liability for Barclays to refund my constituent for the loss or for the police to track down the fraudsters, who seem to be Pakistan-based. What are the Government doing to protect local businesses from such fraudsters by making banks responsible, and will the Minister meet me to discuss that case?

Victoria Atkins: I am extremely concerned to hear that. The Government are investing more than £48 million over the next 18 months to bolster capabilities to tackle economic crime through, for instance, the new National Economic Crime Centre, which will increase the number of financial investigators and improve the regional and local response. However, I know that the Minister for Security and Economic Crime, my right hon. Friend the Member for Wyre and Preston North (Mr Wallace), is keen to meet my hon. Friend to discuss that case with her.

Ellie Reeves (Lewisham West and Penge) (Lab): A public health approach to tackling youth violence requires fully funded public services, but in recent years policing, local authorities, schools and youth services have been cut, which has reduced support for local communities. What measures have the Government taken to ensure that new funds are available immediately to support the public health approach that is so desperately needed to tackle the rise in youth violence?

Victoria Atkins: I know that the hon. Lady met my right hon. Friend the Home Secretary recently to discuss issues in her constituency. She will be aware that, as part of our approach to tackling serious violence, we are not only running a programme of actions to tackle it—as set out in the strategy—but investing £22 million in early intervention and an additional £200 million in the youth endowment fund, which I hope will bring about real changes over the next 10 years.

Several hon. Members *rose*—

Mr Speaker: I proffer the same advice to the hon. Member for Havant (Alan Mak) as I extended to his hon. Friend the Member for Berwick-upon-Tweed. We might not reach his question. His moment could be now. Does he wish to seize it?

14. [909401] **Alan Mak** (Havant) (Con): Thank you, Mr Speaker.

Charities such as Active Communities Network, in my constituency, do excellent work in creating opportunities for young people who might otherwise risk becoming involved in crime. What is the Home Office giving to organisations of that kind?

Victoria Atkins: I welcome the work of Active Communities Network, and I am delighted that the Home Office has helped to fund it previously to provide diversionary and outreach activities for vulnerable young people in my hon. Friend's area. As I have said, the introduction of the youth endowment fund means that £200 million will be invested over 10 years to provide—I hope—innovative ways to intervene on young people and divert them from a criminal lifestyle before the gang leaders get to them.

Fire Services: Pensions

7. **Ms Marie Rimmer** (St Helens South and Whiston) (Lab): What assessment he has made of the effect of changes in the level of Government contributions to public service pension schemes on the financial sustainability of fire services. [909393]

The Minister for Policing and the Fire Service (Mr Nick Hurd): I am sure that we all want good public pensions to be affordable over the longer term; and yes, public sector employer contributions will have to rise, including those in the fire and rescue authorities. The Treasury has made clear that it will cover 90% of the additional cost in 2019-20, and following years will be covered by the comprehensive spending review.

Ms Rimmer: The Government have not picked up their fair share of the pension fund contribution, which means that local authorities and fire authorities will have to pick up more. We have to pay the pensions. How do the Government expect fire authorities to maintain the increasing calls on their services, and to meet their target call response times, when they have to contribute extra funds that are not provided by the Government?

Mr Hurd: What I would say, with respect to the hon. Lady, is that the Treasury is requesting of the fire sector £10 million of additional funding; that is from a sector that will receive £2.3 billion in income and is sitting on

almost £600 million of reserves. I think it is affordable, and I hope that she, like me, will welcome the announcement of her local chief fire officer Phil Garrigan about his intention to increase the number of fire engines and firefighters in Merseyside.

Karen Lee (Lincoln) (Lab): We have heard from the Government a number of times that austerity is over, yet this same Government are slashing their financial contributions to fire and rescue pension schemes at the same time as they plan to cut funding by £155 million by 2020. They are piling the pressure on a service which, after nine years of austerity, has fewer firefighters, fewer appliances and rising response times. When will the Minister end the dismantling of our fire service and implement a sustainable funding model to build a service fit for the challenges of the 21st century?

Mr Hurd: With respect to whoever is informing the hon. Lady, actually the core spending power of our fire system will increase by 2.3% in cash terms in 2019-20, and, as she is well aware, the system is sitting on £545 million of taxpayers' money in reserves, a sum that has grown by 80% since 2011. It is therefore hard to argue that the system has been cash-strapped, but the hon. Lady has my assurance that the Home Secretary and I are absolutely committed to making sure that through the next comprehensive spending agreement the British public can continue to rely on a world-class fire service.

Northumbria Police

10. **Mr Stephen Hepburn** (Jarrow) (Lab): What comparative assessment he has made of the number of frontline police officers employed by Northumbria Police in 2010 and 2019. [909397]

The Minister for Policing and the Fire Service (Mr Nick Hurd): The Northumbria police and crime commissioner has announced that the precept will increase by £24 in 2020, meaning that funding will increase by £18 million compared with 2018-19. That is increased local investment in local policing.

Mr Hepburn: Since 2010 the Tories have cut Northumbria police's funding by 25% and given it a 1,000 decrease in the number of police officers on the street, leading to a massive increase in serious crime. Is the Minister proud of this Government's record?

Mr Hurd: Of course, the statistic the hon. Gentleman omits is that the other key thing about 2010 was that this country was then dealing with the largest deficit in our public finances in peacetime history. Over the years we have taken action to tackle that and get the public finances under control—opposed by Labour—and we are now creating the conditions for increased public investment in policing, again opposed by Labour.

Mr Jim Cunningham (Coventry South) (Lab) *rose*—

Ian Austin (Dudley North) (Lab) *rose*—

Mr Speaker: No, no, no: as I have just been advised, it would require a cross-country train to make the journey from Northumbria, about which the hon. Member for

Jarrow (Mr Hepburn) asked, to either Coventry or Dudley, which doubtless have many merits, and which can be reached subsequently in other circumstances.

Louise Haigh (Sheffield, Heeley) (Lab): Residents in Lincolnshire, just like those in Northumbria and many other people across the country, will be paying £24 more on their council tax this year, which the Government have claimed is to fund local policing. However, because the force has spent all of its reserves, which the Minister has repeatedly told forces to do and which we have just heard him do again, the force will be losing 40 officers and 30 police community support officers this year from the frontline. So what does the Minister have to say to residents who will be paying more for a much lesser service because their force has faithfully followed Government policy?

Mr Speaker: Lincolnshire is only marginally nearer; there is a degree of latitude for the Front Bench, but that is mildly cheeky.

Mr Hurd: We are in regular contact with Lincolnshire police. Of course, the hon. Lady stampeded to a worst case scenario and ignored the fact that, as a result of the police funding settlement that she led her party to vote against, Lincolnshire police will be receiving up to £8.6 million in cash next year, a move welcomed by the PCC and the chief.

Immigration: Workers' Rights

11. **Mr Paul Sweeney** (Glasgow North East) (Lab/Co-op): What assessment he has made of the potential effect of proposals in his immigration White Paper on workers' rights. [909398]

The Minister for Immigration (Caroline Nokes): Foreign nationals admitted to the UK to work under the proposals set out in the White Paper will benefit from the same employment rights and protections as the rest of the UK workforce, such as the national minimum wage, paid annual leave and protection from discrimination.

Mr Sweeney: The Minister might be interested to know that when I criticised aspects of the White Paper last week, particularly the proposed £30,000 salary threshold, her colleague the Secretary of State for Scotland said that he shared my concerns and that he would be making a submission to the consultation about the flawed nature of that arbitrary salary threshold. Does the Minister share her colleague's concerns about the impact that that threshold will have on young skilled employment in Scotland?

Caroline Nokes: The hon. Gentleman will be aware that when the Home Secretary published the White Paper, he made it clear that this was the start of a year-long conversation about the proposal contained therein for us to move to a single system based on people's skills and not on where they come from. He will also be aware that the Immigration Bill has recently moved into its Committee stage, and we heard evidence the week before last from a range of experts giving us the benefit of their views on salary thresholds, including the Migration Advisory Committee, which proposed the £30,000 threshold.

Kirstene Hair (Angus) (Con): Part of the immigration White Paper covers seasonal workers. I warmly welcome the seasonal agricultural workers scheme that will be implemented this spring, but can the Minister assure me that she will continue to monitor it to ensure that it fulfils the industry's requirements and that she will not rule out retaining it as a permanent process?

Caroline Nokes: I commend my hon. Friend for her enthusiasm and determination to see a seasonal workers scheme introduced. As she knows, the pilot starts this month and we are determined to work closely with the horticultural sector and those companies that are piloting the scheme to ensure that we evaluate it thoroughly and look for the best way to take it forward.

Domestic Abuse

13. **Paul Scully** (Sutton and Cheam) (Con): What steps he is taking to tackle domestic abuse. [909400]

The Parliamentary Under-Secretary of State for the Home Department (Victoria Atkins): Ending domestic abuse is an absolute priority for this Government. On 21 January, we launched a landmark draft Bill that includes the determination to introduce a definition of domestic abuse that includes not only physical but economic and emotional abuse. The draft Bill also includes 120 non-legislative measures to ensure that our response to domestic abuse is absolute in its determination to support victims and tackle the perpetrators of this terrible crime.

Paul Scully: Much of the support for domestic abuse is aimed at victims escaping from a physically abusive partner. Violence and extreme abuse in a domestic setting always start with small, often subtle entry-level acts of control, manipulation and deceit. What are the Government doing to help people to recognise those red flags and to raise awareness of the dangers posed by people with narcissistic personality disorder, given that NPD is a key driver of such abuse?

Victoria Atkins: I am extremely grateful to my hon. Friend, who brings with him his experience of working with his local women's centre, the Sutton women's centre, to help the victims of domestic abuse. He is correct in identifying the early signals of an abusive relationship, and this is precisely why the draft Bill includes proposals for a statutory definition that ensures that all forms of domestic abuse are recognised, understood and challenged, both by those who can help the victims and by those who can tackle the perpetrators of these crimes.

17. [909404] **Nick Smith** (Blaenau Gwent) (Lab): Domestic violence protection orders give essential support to the victims of domestic abuse. Effective training for police officers on these orders is key, so will the Minister review the funding of the "Domestic Abuse Matters" training course, which is unclear for next year, in order to support the victims of domestic abuse in the future?

Victoria Atkins: I am so pleased that the hon. Gentleman has raised the very good "Domestic Abuse Matters" project, which is run by SafeLives, the domestic abuse charity. This is being rolled out by the College of Policing, and some 14 police forces have already signed

up to it, but there are a number of other training and change programmes available to the police. Part of the important message of the non-legislative measures in the draft Bill is that we need to train police officers and a whole range of other frontline workers, which could include that one person who can reach the person who needs help.

Carolyn Harris (Swansea East) (Lab): Diolch, Mr Speaker. [HON. MEMBERS: “Hear, hear!”] Now that we have seen how narrow the draft domestic abuse Bill is, will the Minister confirm that there is scope to expand it? We have concerns about many areas of the Bill, not least about housing. A joint tenancy can be ended by just one partner, which means that the perpetrators of domestic violence are able to oppress their victims by ending the tenancy and leaving them homeless. We must legislate to stop that.

Victoria Atkins: I am extremely grateful to the hon. Lady. I feel as though I am in the middle of a Welsh appreciation society. I am afraid I do not agree with her analysis that the Bill is narrow in its breadth. The legislation and the raft of non-legislative measures are very broad. We have always been clear that this is not just about changing the law; it is also about changing society’s attitude to and understanding of domestic abuse. She will know that we have quite deliberately published it as a draft Bill because we want it to be open to scrutiny by both Houses, and we very much look forward to the Joint Committee looking at it and coming forward with recommendations.

Fishing Industry: Employment

15. **Mr Alistair Carmichael** (Orkney and Shetland) (LD): What steps the Government are taking to ensure that the fishing industry can employ crew members from outside the EEA. [909402]

The Minister for Immigration (Caroline Nokes): The Government set out their plans for the future immigration system in the White Paper published on 18 December. We recognise the need to provide employers with flexibility as the new system is implemented, and our proposals include plans for a temporary short-term workers route, which will be open to overseas workers at all skill levels and in any occupation.

Mr Carmichael: May I remind the Minister that when she replied to my Adjournment debate on 11 July last year she told us that she was “conscious of the urgency” of tackling this issue, but that she wanted to get the advice of the Migration Advisory Committee and would expect then to “reflect” upon it? Beyond what she has just said, how are these reflections going? When will we get a concrete proposal for a scheme?

Caroline Nokes: I thank the right hon. Gentleman for that question. He will of course be aware that when the MAC provided us with its report last year it was clear in its recommendation that we should not introduce sectoral schemes to meet labour needs at lower skill levels, except in agriculture. He will be aware that I have held various meetings with right hon. and hon. Members, and undertaken two visits to talk to the fishing sector—one to Kilkeel harbour and one to Troon. I have undertaken to make a further such visit to Banff and Buchan, which I hope will take place around Easter.

Police Funding

16. **Mike Amesbury** (Weaver Vale) (Lab): What recent assessment he has made of the potential effect on police forces of changes in the level of Government funding for the police in 2019-20. [909403]

The Minister for Policing and the Fire Service (Mr Nick Hurd): As a result of the police funding settlement, we will be investing almost £14 billion in our police system next year, which is £2 billion more than in 2015-16. Up and down the country, police and crime commissioners have set out their plans to use that additional money to hire about 2,700 additional officers, including more than 40 more in Cheshire, which I hope the hon. Gentleman will welcome.

Mike Amesbury: Cheshire police force has lost 135 officers since 2010, and central Government cuts for a ninth consecutive year, in real terms, continue to put real pressures on our local resources. When will the Minister ensure that our PCC gets the resources that he needs?

Mr Hurd: As a result of the two funding settlements that I have taken through Parliament, the Cheshire PCC is now in a position to recruit an additional 43 officers and seven police community support officers. I am sure the hon. Gentleman’s constituents will welcome that and wonder why he voted against it.

Topical Questions

T1. [909412] **Toby Perkins** (Chesterfield) (Lab): If he will make a statement on his departmental responsibilities.

The Secretary of State for the Home Department (Sajid Javid): I am sure the whole House will join me in paying tribute to Sir Charles Farr, an outstanding public servant who dedicated his life to national security.

Yesterday, we marked the 20th anniversary of the Macpherson report. My thoughts are with the Lawrence family, and I am pleased that our police force is now the most diverse it has ever been.

I recently announced the introduction of knife crime prevention orders. Dame Carol Black has been appointed to lead an independent review of the drugs trade. And I announced new stop-and-search powers to tackle acid attacks and the misuse of drones. We are giving the police the powers they need and acting wherever we can to help tackle serious violence.

Toby Perkins: The dozens of people involved in the recent violence at Haydock Park racecourse faced ejection from the course rather than arrest. It seems that the bar for getting arrested is very different for someone involved in football-related violence than for someone involved in loftier pursuits such as horse-racing. Will the Home Secretary tell us what he is doing to ensure that violent crime is treated equally, no matter who the perpetrators are?

Sajid Javid: First, the hon. Gentleman will know that ultimately how violence is treated and whether charges are brought is a decision for the police and the courts, but I take his broader point. He will be pleased to know that when it comes to all types of crime, whether serious

violence or other crimes, there has been a decline of some 12% since September 2010 in his Derbyshire force area. I am sure he will welcome the extra resources that have been given to his local police force, which will certainly help it to fight crime.

T3. [909414] **Lucy Allan** (Telford) (Con): I am very grateful to the Secretary of State for his commitment to preventing child sexual exploitation. The authorities in Telford who agreed to hold an inquiry into CSE a year ago have only this past week started to look for a chair to lead the promised inquiry. Learning lessons from the past is vital to protecting our young people today, so does he agree that that shocking lack of urgency in getting this inquiry started could place more young people at risk of CSE in Telford?

The Parliamentary Under-Secretary of State for the Home Department (Victoria Atkins): I am pleased that there has been some progress—albeit, as my hon. Friend describes, in small steps—in the inquiry in Telford. The fact that an inquiry chair has been advertised bodes well for the process overall, but as a good constituency MP she will continue to pressure the local council to ensure that it continues its work expeditiously.

Ms Diane Abbott (Hackney North and Stoke Newington) (Lab): Ministers will remember that last Monday the Home Secretary said:

“We must, of course, observe international law, and we cannot strip someone of their British citizenship if doing so would leave them stateless. Individuals who manage to return will be questioned, investigated and, potentially, prosecuted.”—[*Official Report*, 18 February 2019; Vol. 654, c. 1193.]

Ministers will be aware that the Opposition think that the latter would have been the correct course of action. By Wednesday, however, the Home Secretary had stripped Shamima Begum of her citizenship rights. Can he share with the House whether he contacted the Bangladeshi high commissioner or the Bangladeshi Government before taking this decision?

Sajid Javid: The right hon. Lady will know that I cannot comment on any individual case and that, in order to protect our national security, Home Secretaries have the power to strip British citizenship from someone where it does not render them stateless. While I cannot talk about an individual case, it should be quite obvious that the power set out in the British Nationality Act 1981 cannot be used if someone is rendered stateless as a result. That power has been used by successive Home Secretaries, in successive Governments, only on the basis of expert advice from their officials, including legal advisers, to ensure that its deployment is entirely lawful at all times. The right hon. Lady is the shadow Home Secretary and wants to be the Home Secretary. She should reflect that ultimately it is the responsibility of the Home Secretary to use whatever tools are available to keep this country safe.

T4. [909415] **Mrs Sheryll Murray** (South East Cornwall) (Con): A county lines drug operation has been uncovered in the beautiful town of Callington in my constituency. Will my right hon. Friend commit more resources to fighting this problem, which destroys so many young lives, recalling that Callington police station closed in 2015?

Sajid Javid: Like my hon. Friend, I am very concerned about the impact of county lines. She may know that recently I met Devon and Cornwall police to discuss what they are doing to fight these types of drug gangs. She will know that we have allocated some £3.6 million to the new national county lines co-ordination centre, and she may be interested to know that during two separate weeks of activity there have been over 1,000 arrests nationally and 1,300 young people safeguarded.

T2. [909413] **John Mc Nally** (Falkirk) (SNP): Two of my elderly constituents, Bill and Anna Meikle, are to be torn apart, when they should be enjoying their retirement together. They have lived in Scotland for four years, after fleeing South Africa. Following a simple mistake made in Anna's application, she is going to be sent back to South Africa by the Home Office, where she has no home, no pension and no family. Will the Secretary of State meet me or investigate this particular case?

The Minister for Immigration (Caroline Nokes): I thank the hon. Gentleman for taking the time to raise his important constituency case. I am absolutely happy to confirm that I will meet him to go through the specifics in detail.

T9. [909420] **Mr Marcus Jones** (Nuneaton) (Con): I welcome the work that the Home Secretary and the Minister for Policing have done to secure more resources for our police, facilitating Warwickshire police to now recruit an additional 150 officers. Given the impending spending review, will my right hon. Friend continue to push for further police funding, to ensure that the police have the resources they need, and also look at fairer funding for county areas?

The Minister for Policing and the Fire Service (Mr Nick Hurd): I thank my hon. Friend, not least for his representations to me on behalf of Warwickshire in the run-up to the funding settlement. I am delighted that his constituents will have access to more police officers. I give my assurance to him and other Members who are concerned about the fair funding of policing that police funding is the priority for the Home Secretary and me in the CSR, and within that we have made a commitment to look again at how resources are allocated across the system.

T5. [909416] **Julie Elliott** (Sunderland Central) (Lab): What assessment has the Minister made of the effect of the UK leaving the European Union on the relationship between British police forces and their counterparts in other EU countries?

Mr Hurd: What I can say to the hon. Gentleman—[*Interruption.*] I am so sorry. What I can say to the hon. Lady is that over the past few months, the Home Secretary and I have had very regular contact with Interior Ministers across all our European partners, and he and I have detected a very, very strong interest on their part in continuing to work closely with us and, as far as possible, to maintain the capabilities that exist at this moment in time.

Several hon. Members rose—

Mr Speaker: I am keen to encourage a new young Member. I call Mr David Davis.

Mr David Davis (Haltemprice and Howden) (Con): The Home Secretary quite rightly says that he cannot comment on the individual case of Shamima Begum. However, it does raise a more general issue. In that case, citizenship was removed after the birth of the latest child who therefore presumably has a right to British citizenship herself. What, if anything, are the responsibilities of the British state to that child in this event?

Sajid Javid: Again, my right hon. Friend will know that I cannot talk about a particular case, and that any children born in that conflict zone deserve our utmost sympathy. He will also know that when it comes to Syria, FCO travel advice has been very clear for a number of years: we have no consular presence, so we cannot provide any consular assistance at all. Should a child reach a location outside Syria, where we do have a consular presence, then it would be possible to provide support with the consent of parents.

Mr Speaker: Order. I should just emphasise to the House that, as things stand, the case is not sub judice. If the Secretary of State for the Home Department wishes to apply a self-denying ordinance—[HON. MEMBERS: “Oh!”]. I say to the hon. and learned Member for Edinburgh South West (Joanna Cherry) and others that if he decrees that he will not comment on individual cases, that is perfectly within his ambit. It is a political judgment, but it is not a procedural requirement. It is quite important to be clear about that. That is his choice, and I respect it, but it has nothing to do with the rules of the House, still less the dictates of law.

T6. [909417] **Chi Onwurah** (Newcastle upon Tyne Central) (Lab): I am very proud of my Irish heritage on my mother's side and my Nigerian heritage on my father's side. Born and brought up on Tyneside, I have never held or sought any citizenship other than British. In what circumstances does the Secretary of State believe that he could strip me of that citizenship, and where would he suggest that I went?

Sajid Javid: A little like the hon. Lady, I am very proud of the heritage of both my parents from Pakistan. I am as proud of my heritage as she is of hers, and she should be. Her question is about the law and about what the law allows in terms of deprivation of British citizenship. That is set out very clearly in the British Nationality Act 1981. It was also debated in this House in 2014 in the Immigration Act of that year when the powers were further extended. On a regular basis, successive Governments have used that power and they have made transparency reports to this House on the use of that power.

Huw Merriman (Bexhill and Battle) (Con): An excellent BBC South East report showed that police seizures of ketamine have increased by a third, and are at a 12-year peak. What can the ministerial team do to reassure me that matters are under control, and can I meet them to discuss this local scourge?

Victoria Atkins: I am very grateful to my hon. Friend for raising this matter. Ketamine is just one of the new substances that we are seeing emerge on the street scene and that I was discussing only last week with the chair

of the Advisory Council on the Misuse of Drugs—a body that helps to inform and advise Government on drugs policy. I am very happy to meet him to discuss it, but there is a very clear message: these sorts of substances are very, very harmful and carry huge risks if anyone takes them.

T7. [909418] **Alan Brown** (Kilmarnock and Loudoun) (SNP): Earlier on, the Secretary of State spoke about protecting the rights of EU citizens, yet my office has had to deal with three cases where EU citizens, who have stayed here most of their lives, are being told by the Department for Work and Pensions that they do not have a right to reside here and therefore cannot access universal credit. Will he issue an apology to my constituents and, more importantly, advise the House on how many other EU citizens will be affected by these current immigration rules and what the Government are doing to prevent the next big scandal?

Sajid Javid: I am sorry to hear that the hon. Gentleman's constituents are having issues with benefits or with the Department for Work and Pensions, and I would be happy to take that up with the Secretary of State for Work and Pensions. As far as the settlement scheme is concerned, the hon. Gentleman will know that it has not yet been launched; it is in a testing phase. More than 100,000 people have participated in the testing phase and not a single one has been rejected.

David Duguid (Banff and Buchan) (Con): Does my right hon. Friend agree that it is incumbent on Members across all parties of the House to be clear to all our constituents from the EU that their rights to stay in the UK will be protected, deal or no deal?

Caroline Nokes: My hon. Friend is of course right. The Government have been very clear that EU citizens living here will be able to stay; more than that, we want them to stay. That is why the settlement scheme has been designed to be easy and straightforward. As the Home Secretary has just indicated, so far the applications of more than 100,000 people have been through the testing phase and not a single one has been refused.

T8. [909419] **Preet Kaur Gill** (Birmingham, Edgbaston) (Lab/Co-op): Victims of crime deserve minimum standards of rights, support and protections, which currently exist by virtue of our EU membership. Will the Secretary of State ensure that these standards are maintained after the UK exits the European Union?

Sajid Javid: The hon. Lady makes an important point. I assure her that we will continue to have the highest standards at all times.

Andrea Jenkyns (Morley and Outwood) (Con): Spencer Hargrave and his business partner Paul from my constituency set up a van and tool theft awareness group on Facebook after being victims of crime themselves. Through their hard work, they were able to track down one of these thieves, who is now serving seven years in prison. What is the Minister doing to increase the sentences of those who prey on hard-working tradesmen, and will he congratulate Spencer and Paul on their fantastic detective work in helping the police to bring this lowlife to justice?

Mr Hurd: My hon. Friend reminds the House of the eternal truth of, I think, principle 7 of Robert Peel's nine principles of policing—that the public are the police and the police are the public. I congratulate Spencer and Paul on working with the police to bring criminals to justice.

T10. [909421] **Stephen Doughty** (Cardiff South and Penarth) (Lab/Co-op): Earlier the Home Secretary was asked about delays to the Windrush compensation scheme. There have been reports this week that one of the reasons for the delays is that he has apparently requested an extra £150 million from other Cabinet colleagues and from the Treasury, otherwise the scheme will not be able to go forward. Is it true that he has made such a request to the Treasury or the rest of the Cabinet? If so, for how much, and is this why the scheme is being delayed?

Sajid Javid: I am clear that I want the Windrush scheme to be as generous, straightforward and easy to use as possible, and that commitment is shared throughout the Government.

Mark Pritchard (The Wrekin) (Con): The Home Secretary will know that the Official Secrets Act 1989 is 30 years old this year. Given that espionage has not gone away, would the Home Secretary or the Security Minister meet me and like-minded colleagues to discuss how we can update and reform the Act, particularly around the issue of extraterritorial jurisdiction?

The Minister for Security and Economic Crime (Mr Ben Wallace): My hon. Friend makes a good point. The 1911 and 1989 Official Secrets Acts are definitely out of date and need to be updated. A Law Commission report is due out soon that will reflect on some of the challenges, and I would be delighted to meet my hon. Friend to discuss the matter further.

Several hon. Members rose—

Mr Speaker: Ah, another new young Member—a rising figure in the House. I call John Spellar.

John Spellar (Warley) (Lab): Does the Minister now accept that although the disclosure and barring scheme was a response to a real concern, it has become a bureaucratic nightmare? It has reversed the Rehabilitation of Offenders Act 1974, and prevented people from turning their lives around and providing for themselves and their families, while also being deeply discriminatory. Following the decision of the Supreme Court, will she rapidly reform the DBS—not with endless consultations, but with some real action?

Victoria Atkins: The right hon. Gentleman will know that Lord Sumption in the Supreme Court described the disclosure and barring scheme as a “coherent scheme of legislation”. The reason for the regime is to protect children and vulnerable people; that is the point of it. As Lord Sumption recognised, it balances public protection

with the rights of individuals to a private life. It applies only to certain jobs that are protected, and it is for employers to decide whether they give someone a job once they are armed with the facts. The scheme was supported by the Supreme Court.

Tom Pursglove (Corby) (Con): What assessment has the Minister made of the success of police and fire service collaboration in boosting frontline response?

Mr Hurd: I thank my hon. Friend for that question. Northampton is of course a very good example of where the emergency services work together extremely well, not just to find savings in how taxpayers' money can be deployed in the most efficient way but in delivering a better service to the public. Armed with that evidence, we will continue down that path.

Steve McCabe (Birmingham, Selly Oak) (Lab): Does the Minister want to take this opportunity to condemn the bizarre events in the west midlands, where we have a Tory councillor and a member of the Mayor's staff committing identity fraud in order to influence the outcome of the police and crime commissioner consultation? Surely the police are entitled to a higher standard of probity than that.

Mr Hurd: I would have thought that a Member of Parliament of the hon. Gentleman's experience would take a little bit more care with his words in this place, because he will know that any wrongdoing has been denied and that this is the subject of an independent investigation at this moment in time. The Government support the second devolution deal for the west midlands, and that includes incorporating the role and powers of the PCC in the mayoralty as has been done in London and Manchester.

Several hon. Members rose—

Mr Speaker: Last but not forgotten, Mr Robert Courts.

Robert Courts (Witney) (Con): Thank you, Mr Speaker.

What steps are Ministers taking that will reassure the people of Witney and rural West Oxfordshire that their police have access to the funding and the numbers that they need?

Mr Hurd: I can say to my hon. Friend, who represents my father's old seat, that I have every interest in making sure that the people of Witney continue to have access to high-quality policing. That is why, through the most recent police and funding settlement, we have taken steps that will see an additional £30-odd million go to Thames Valley police. I hope he welcomes that.

Several hon. Members rose—

Mr Speaker: I am sorry—demand has exceeded supply, as is invariably the case, but we must now move on.

Employment and Support Allowance: Underpayments

3.41 pm

Marsha De Cordova (Battersea) (Lab) (*Urgent Question*): To ask the Secretary of State for Work and Pensions if she will make a statement on the employment and support allowance underpayments.

The Minister for Disabled People, Health and Work (Sarah Newton): The Department is correcting some past underpayments of ESA that arose when people moved from incapacity benefit on to ESA. We realise how important it is to get this matter fixed. Clearly, the mistakes should never have happened, but we know that it is vital that it is sorted as quickly as possible. Last Thursday, I tabled a written statement that updated the House on progress since the previous written statement in October last year. We are on track to complete work on the majority of the original 320,000 cases by the end of April this year. As of 11 February, 310,000 of that overall number have started the reassessment journey. We have paid arrears of over £328 million to 58,000 people, which is significant progress. The Department has also increased the number of staff working on putting these cases right from about 400 staff to approximately 1,200 staff, which will enable us to continue to complete this important activity at pace.

Following the announcement in July last year to pay cases back to the point of conversion, I confirmed in October that this will require us to review an additional 250,000 cases. We have started this activity and will aim to complete this phase by the end of the year. Last Thursday, the Department published an ad hoc statistical publication on gov.uk that sets out further detail on the progress it has made on processing the cases, including an updated estimate on forecast expenditure and the number of people affected. The Department now estimates that about 600,000 cases require review and that by the end of the exercise about 210,000 arrears payments will have been made. The increase, compared with the previous estimate of 180,000, is based on additional sampling and very careful, thorough checking. Alongside the written statement that was published last Thursday, I also published an updated version of the frequently asked questions, and this has been deposited in the House Library.

Marsha De Cordova: Thank you for granting this urgent question, Mr Speaker.

On 21 February, the Department for Work and Pensions published a statement saying that 210,000 ill and disabled people could have been underpaid vital employment and support allowance after a grave error by the Department dating back to 2011, when it wrongly migrated them from incapacity benefit on to contributions-based ESA, denying them essential social security, such as the severe disability premium, to which income-based ESA would have entitled them.

The Government initially estimated that 70,000 ill and disabled people were underpaid. In October 2018 that number increased to 180,000 people, and now it has emerged that up to 210,000 ill and disabled people were underpaid, on average, £6,000 in social security. How can we trust that the number will not increase?

Thus far, 20,000 people have died before receiving the social security to which they were entitled. That is 20,000 people who will never be repaid what they were owed by the DWP. The Department estimates that more than £1 billion will be spent to rectify this catastrophic error, and we have now learned that it will employ up to 1,200 staff to do so.

How many people have been pushed into rent arrears, council tax arrears, debt and destitution? Will the Department listen to Labour's demands and pay compensation to those who have been pushed into debt? What support will the Department provide to the estates of the 20,000 ill and disabled people who tragically died before they received their payment?

Given the scale of the issue in transferring to ESA, how will the Government avoid repeating this error when they transfer ill and disabled people from legacy social security on to universal credit? Given that there are currently seven reviews into ill and disabled people being underpaid, how much of the Government's total expenditure is spent on underpayments? Finally, will the Minister apologise to the additional 30,000 disabled people, and their families, who have been denied thousands of pounds in social security, and to the 20,000 people who died before justice was done?

Sarah Newton: I thank the hon. Lady for her questions. Let me make it absolutely clear that, each and every time I have addressed the House, I have thoroughly apologised on behalf of the Department for these administrative errors. This should never have happened, and I am very happy to apologise again today. Although I wish this had never happened, we are working at pace to make sure that people receive the payments to which they are entitled.

The hon. Lady is right to say that we have reviewed the cases of people who have subsequently deceased, but she is not right about the quantities of people who would have actually benefited from this exercise. We are only part of the way through, and we do not know, as yet, the total number of deceased people who, having reviewed their case, would have been eligible for additional payments. Where we review the cases of deceased people—of course, we are reviewing all of the cases—we make the payments to their family. We are working carefully and urgently to find the families so that we can make the payments.

On the additional resources that we have made available to complete this exercise, I am sure the whole House would agree it is vital that we get on and sort this out as swiftly as possible so that people can benefit from the additional sums of ESA and other disability premiums to which they might be entitled. I am pleased that we have been able to find the additional resources to enable us to do this. I made the commitment to the House that we would complete the exercise this year, and that is what we are going to do.

The hon. Lady rightly asks what lessons we are learning, especially as we are now planning for the managed migration of people from ESA on to UC. The key lesson we have learned is to make sure that the claimant is involved in that decision. For all the right reasons I am sure, it was decided to migrate people from incapacity benefit on to ESA without contacting them—just passporting them over. I have heard Opposition Members make that call to me as we approach the managed

[Sarah Newton]

migration, and that is the key mistake that was made. The opportunity was missed to check in with people claiming the benefit to make sure that their circumstances had not changed and that there were not additional payments to which they might be entitled, and that was the cause of this particular problem. I am determined that those lessons are learned so that, as we do the managed migration in a measured and careful way, the mistake is not made again.

Sir Desmond Swayne (New Forest West) (Con): How is it possible for someone with a long-term condition to have their ESA changed and their mobility car taken away without there having been any assessment or contact with them at all?

Sarah Newton: I point out to my right hon. Friend that we are talking about ESA, and the entitlement or opportunity to have a Motability car comes with personal independence payments. We are talking about a decision that the previous Labour Government made to introduce ESA and migrate people to it from incapacity benefit.

Brendan O'Hara (Argyll and Bute) (SNP): We are extremely disappointed that the Minister had to be forced to come to the House by an urgent question, rather than doing what she should have done and made this announcement via an oral statement. On Thursday, we discovered that the DWP had identified nearly double the number of cases to be re-examined and that the errors we believed to have ended in 2014 actually continued through to 2015. Those ad hoc discoveries are extremely concerning and beg the question: what other errors has the DWP missed?

What investigations is the Department doing to ensure that no other payment is affected in such a way? The most alarming aspect of this entire scandal is that 20,000 people whose claims were due to be reviewed have since died. Are the Government undertaking any investigation to determine the circumstances surrounding those deaths and whether this underpayment in any way contributed to or exacerbated those circumstances? Finally, we know that the Department is putting more resources into investigating this, but will the Minister confirm that that is new money and is not coming out of existing DWP budgets?

Sarah Newton: The hon. Gentleman asked me a range of questions. First, let me say that nobody has dragged me to the House. I regularly update the House; it is a matter of record how often I update the House through a whole series of written statements and by publishing a lot of data. I have made those commitments to the House and I regularly honour those commitments.

In terms of the additional resources, the hon. Gentleman will know that ESA has not been open for applications since the end of last year because people now apply for universal credit, so we now have extremely experienced ESA decision makers who have the time and capacity to support us with this exercise. We had recruited an additional 400 staff before the announcement that I made today.

In terms of the number of people who sadly will have deceased since we recognised this problem and who could have benefited from additional payments, we are

very anxious to ensure that we contact people as soon as possible, and if we can find people's families, we will make those payments to them. Virtually every time I come to the House or Westminster Hall, Members make allegations about the causal link between people being on benefits and them tragically taking their lives. Members need to be very careful when they say those things. As our deputy chief medical officer, Professor Gina Radford, has said, and as the NHS's survey data show, we cannot make causal links between people being on benefits and them tragically taking their own lives.

Rachel Maclean (Redditch) (Con): Given that people with learning difficulties find the prospect of a face-to-face interview quite stressful and distressing, what more can the Department do to support people in that situation when they need to claim benefits?

Sarah Newton: My hon. Friend makes a good point. In not only the process for claiming new benefits but this particular exercise, a lot of effort is going into ensuring that we find people and engage with them to check whether they are eligible for these additional payments. That happens through letters, telephone calls and even home visits, to ensure that we contact people in the most appropriate way possible for them.

Stephen Timms (East Ham) (Lab): What is the Minister's current estimate for how long it is going to take to complete this exercise and to correct all these very serious mistakes?

Sarah Newton: We anticipate completing the exercise this year.

Andrea Jenkins (Morley and Outwood) (Con): What financial support is available for disabled people who incur costs relating to their condition that welfare payments are not designed to meet?

Sarah Newton: I think my hon. Friend is talking about the benefits that are available for the additional costs of disability. There are three benefits there: disability living allowance, attendance allowance and the personal independence payment. As a country, we are going to spend over £50 billion on those benefits this year, which is a £4 billion increase on 2010, and those benefits are of course uprated each year.

Chris Bryant (Rhondda) (Lab): As the Minister knows, I have met a lot of people who suffer from acquired brain injury. Quite often, they find that the system does not really meet their needs, because the trajectory of their condition may not be clear and straightforward. They may have periods when they go through much worse phases, and Wednesday may be considerably different from Thursday. All too often, unfortunately, the way that they have been treated through all of this process has made it more difficult for them to get their minds in the right place. Will she please make sure that all 1,200 of the staff she is talking about are aware of the needs of people with acquired brain injuries?

Sarah Newton: I thank the hon. Gentleman for his active engagement with me in coming into the Department so that we could absolutely get this right. It is very

important, for people who have not only acquired brain injury but a whole series of conditions that are variable, that the way we do the assessments truly understands their needs. We are utterly committed to making continuous improvement not only to the work capability assessment but to the PIP assessment processes.

Kevin Foster (Torbay) (Con): I welcome the overall tone of the Minister's statement and her replies to questions so far. Will she confirm what work the Department will be doing with advice charities locally to ensure that people are aware of this process and when they can expect to be repaid the moneys they should have been due?

Sarah Newton: For the first phase of people we have contacted, we have nearly completed the exercise. Most of those people will have been contacted and we will have paid them their arrears by the end of April. As we start on the next phase, we will be contacting people by letter. We have really good stakeholder engagement with a range of disabled people's organisations and charities to make sure that people know this is happening and, when they do receive the letters and communications, that they understand what we are trying to do, which is to make sure that they get all the benefits to which they are entitled.

Christine Jardine (Edinburgh West) (LD): I welcome what the Minister had to say about the lessons learned from this catastrophe. Will she assure us that she will take the upcoming migration pilot as an opportunity to ensure that an alternative is found to the hard stop, so that claimants who do not make an application in time for universal credit do not have their benefits cut off?

Sarah Newton: We are absolutely determined to learn the lessons from this particular situation, but also from all other situations, and to make sure that people have the personal, tailor-made support they need so that they can make a smooth transition on to universal credit.

Mr Philip Hollobone (Kettering) (Con): The incorrect transfer of people from incapacity benefit to employment and support allowance since 2011 has been a big and costly mistake, with over 600,000 cases examined, potentially at a cost of £920 million. May I congratulate my hon. Friend on getting on top of this issue and sorting it out? Is not the big lesson here that, when it comes to new benefits such as universal credit, it is important to get these things right before they are rolled out?

Sarah Newton: I very much thank my hon. Friend for what he says. This is why the Government are taking such a measured and careful approach to the managed migration of people on ESA on to universal credit. It is absolutely essential that this is done accurately, with compassion and treating everyone with dignity, and that nobody has a loss of benefit.

Mr Marcus Jones (Nuneaton) (Con): I welcome the work that my hon. Friend is doing to deal with this massive issue. What more can she do, though, for those people who have, quite rightly, received a significant sum of back payments but who find that they have gone over the £16,000 savings threshold as a result?

Sarah Newton: I am grateful to my hon. Friend for raising that point and I want to reassure him and all other hon. Members. This was an official error, so the additional payment that people will get and to which they are obviously entitled—it is a back payment—is discarded for all income-related benefits, including universal credit.

Thangam Debbonaire (Bristol West) (Lab): Administrative errors and other mistakes in strategy and practicality flow from values, so what is the Minister doing to inculcate into her Department a set of clear values, and to narrow the gap between operations and aspiration?

Sarah Newton: The hon. Lady makes a very important point about the culture of the DWP and the need to make sure that it is a learning organisation, so that people on the frontline feel empowered to escalate any errors or problems to their managers and that those managers are supported by the Department's senior officials. I have been working closely with the permanent secretary to make sure that new approaches are brought into the Department to enable that learning culture, which ultimately will safeguard all of the often vulnerable people with whom the DWP works.

Paula Sherriff (Dewsbury) (Lab): These Government errors have led to extreme hardship and destitution for some of the most vulnerable in society—the people who can least afford to find themselves in this situation. Will the Minister agree to examine the case of my constituent Gillian, who as a result of changes to her benefits is unable to attend urgent hospital appointments for a long-term condition, because she cannot afford the transport costs? I was deeply distressed to learn of her situation. She has been told that that she may well have to wait up to 18 months for a resolution. That is not good enough.

Sarah Newton: I thank the hon. Lady for her question. I would of course be delighted to meet her and discuss Gillian. Clearly something is not right. It does not sound like it is related to what we are talking about today, but clearly something has gone wrong and I would be delighted to meet the hon. Lady as a matter of urgency.

Jim Shannon (Strangford) (DUP): I thank the Minister for her response so far. Underpayments to my constituents have ranged from £3,000 to one massive sum of £22,000. The issue affects some of my constituents when it comes to housing benefit. Can the Minister assure me that none of my constituents will be disadvantaged by something that is not their fault?

Sarah Newton: I thank my hon. Friend for raising that question. This was an official error, so the income disregards do apply and his constituents should not be disadvantaged in the way he describes.

Debbie Abrahams (Oldham East and Saddleworth) (Lab): Given that 20,000 disabled people have died while the review has been going on, it is a shame that the issue had to be investigated via an urgent question rather than an oral statement. We know that the figures have been amended since the last update and that 30,000 more people are being reviewed. Is it likely that the number will continue to change?

Sarah Newton: I disagree with the hon. Lady about our motivation. Since the issue came to light, we have had ministerial statements, written statements and debates in the House. We are absolutely determined to do the right thing by claimants.

Debbie Abrahams: Twenty thousand people have died—that deserves an oral statement.

Mr Speaker: Order.

Sarah Newton: As I have said, we have repeatedly come to the House and discussed with hon. Members what is happening. It is really important, as I have said, that we do the right thing as urgently as possible.

I will answer directly the question about additional estimates. Because we want to be so thorough in making sure that we are not leaving anybody out of this exercise, we did some additional sampling. We were not satisfied that people had always been given the right benefits since 2015, even though new measures were brought into the Department, and that is why there are some additional numbers. I would have thought that Members on all Benches would welcome the fact that we are being so thorough as to make sure that everybody who can benefit will do so.

Dr Philippa Whitford (Central Ayrshire) (SNP): ESA passports people to other benefits, so when they get the backdated ESA payments will they be reimbursed for the other benefits they have missed out on?

Sarah Newton: If people were eligible for additional disability premium, then absolutely they would be backdated and going forward they would have those. Other Government Departments have other schemes which can benefit people who claim ESA, but they are the responsibility of those Departments.

Ged Killen (Rutherglen and Hamilton West) (Lab/Co-op): I am dealing with a very difficult case at the moment of a man who is in recovery from drug addiction. He had to apply for universal credit to get himself off the streets and into a house. Unfortunately, that meant he lost his severe disability payment. He is now wondering what the point was of getting clean and getting off the streets. He is much worse off and really in a very bad way. I am going back to him later this week. What should I tell that gentleman?

Sarah Newton: I am absolutely delighted that he has got off the streets and into a substance misuse programme. That will enable him to really turn his life around. There will be lots and lots of support in the jobcentre from his work coach to help him to take those steps to work. I would really praise him for being so brave in tackling his substance misuse and working with his work coach so he can live a full and independent life.

Deidre Brock (Edinburgh North and Leith) (SNP): What breakdown has been done of the type of conditions these ESA claimants have?

Sarah Newton: Our focus has been to make sure that people receive their back payments as soon as possible, so we have not looked at the particular conditions for which people were applying to ESA. We do produce ad hoc statistics, so I will certainly take away that request on how we might provide that for the House in future.

Mr Paul Sweeney (Glasgow North East) (Lab/Co-op): This feels like a perpetual war of attrition with the DWP. I have a constituent who, despite having numerous chronic medical conditions and depression, recently had a work capability assessment where she was stripped of ESA even though her GP certified her as unfit to work. She now has to go through the mandatory reconsideration process which is already adding to her anxiety. Coupled with that, she has been stripped of her housing benefit. What is the Minister going to do about this situation? Will she meet me to discuss this particular case? Will she review the unacceptable rate of ESA claims that are reinstated after mandatory reconsiderations?

Sarah Newton: Of course I am willing to meet the hon. Gentleman to discuss that particular case. I assure him that we are absolutely committed to improvements to the work capability assessment, but for the vast majority of people the process works well.

Hywel Williams (Arfon) (PC): The Carers Outreach Service says that young disabled people in Wales face confusion and possible injustice at the age of 19 when migrating from child benefits and tax credits to claiming ESA. Education, health and social services are all devolved in Wales, and ESA problems could be resolved with proper co-ordination between those services and the DWP. Is it not therefore obvious that it could be very beneficial if key elements of the benefit system were also devolved to Wales?

Sarah Newton: I thank the hon. Gentleman for a question that goes way beyond what we are discussing today. He makes a very good point about when children are growing up and move from childhood benefits to adult benefits. Those young people will now be applying to universal credit, which has the huge benefit of the personalised tailor-made support that is available through the work coach.

Diana Johnson (Kingston upon Hull North) (Lab): I am a bit concerned that a Minister of State does not understand the difference between making a statement to the House and what an urgent question means. She has been brought to the House. This is not the first time I have made these comments to this particular Minister. I want to ask about the 20,000 people who have very sadly died without receiving the money they were entitled to. Is the onus now on the Department to seek out those families? If so, what steps are being taken to find those families?

Sarah Newton: I am happy to provide the hon. Lady with that clarification. The onus is on the Department. The Department is working really hard to find the family members of anyone who is deceased, so we can make the back payments of their benefits to them.

Patricia Gibson (North Ayrshire and Arran) (SNP): The Minister must be aware of the hardship and misery that these errors in payments have caused to some of the most vulnerable in our communities, but does she understand the complete lack of trust felt by the sick and disabled towards the entire DWP system, in which there is a hostile environment towards the sick and

disabled in which these administrative errors thrived? What steps will she and her Government take to rebuild trust with these groups?

Sarah Newton: I reassure the hon. Lady that we are spending record levels of money to support people with disabilities and health conditions. I am absolutely determined to make sure that we are constantly reforming the system to ensure that everybody gets the support to which they are entitled.

Neil Coyle (Bermondsey and Old Southwark) (Lab): On Friday, an email from In Case You Missed It News included an item about my hon. Friend the Member for Ellesmere Port and Neston (Justin Madders), revealing that the Department's presenting officers have not attended 80% of the tribunals that it forces disabled people to undergo to access their ESA and other entitlements. Have those officers been reassigned to address this backlog—one cock-up leading to another cock-up—and does this not reveal that the Department would be better off not wasting millions of pounds of taxpayers' money on avoidable assessments, mandatory reconsiderations, presenting officers and avoidable, unnecessary tribunals, and that it should overhaul the whole process?

Sarah Newton: I assure the hon. Gentleman that we are absolutely focused on making the right decision the first time, but we do not force anyone to an appeal. It is up to them whether they would like a mandatory reconsideration or whether they would like to go to appeal.

On the presenting officers, we never, ever intended to send a presenting officer to every tribunal. We send them to a sample so that we can learn—*[Interruption.]* I am very happy to answer questions, but I would appreciate it if people did not chunter from a sedentary position, because it makes it very difficult for me to listen and respond to them in the way I am sure the hon. Gentleman would like. Those presenting officers are there to make sure that we are learning from where things go wrong so that we can get them right.

Alison Thewliss (Glasgow Central) (SNP): A number of constituents have contacted me because they thought that they may be entitled to payment, but after some investigation, it does not seem that they are. However, how can my constituents and the rest of us in this House have any confidence in the DWP getting this right when the mistakes have been so rife, so egregious and so huge?

Sarah Newton: Of course, we will be contacting people who are concerned, but I reassure everyone in the House that the Department has taken this issue extremely seriously and has undertaken a very thorough review to make sure that everybody who can benefit from being back-paid will receive those back-payments.

Melanie Onn (Great Grimsby) (Lab): Given that fraud and error payments are usually published in official Government statistics together, is the Department planning on making sure that they are published separately so that the public are clear that the error lies with the Government and not with individuals claiming falsely?

Sarah Newton: We published ad hoc statistics last week so that we could very clearly respond to the question that the hon. Lady raised.

Chris Stephens (Glasgow South West) (SNP): We know that many people who fall on hard times can go on and off the radar, and some who have been underpaid may since have become homeless. Will the Minister tell us what efforts the Government are making to find these people to give them the money that they are owed and that they will be in desperate need of?

Sarah Newton: I reassure the hon. Gentleman that people would have been on benefits, so it is not fair to say that—or to characterise the situation as one in which—people would not have had any benefits. Clearly, some people would have benefited from additional payments because we did not give them the right amount of money, but people did have those payments in the first place.

John Woodcock (Barrow and Furness) (Ind): The Minister is sorry and says lessons are being learnt, but where is the sense of accountability for this terrible error, which has had such a profound effect on many thousands of people's lives? Where are the extra staff and resource coming from to sort out this problem? Which areas of the DWP's work are being deprioritised to make this right?

Sarah Newton: On the question about accountability, of course the National Audit Office has undertaken an inquiry into this issue and so has the Public Accounts Committee. There has been a lot of scrutiny, and it is quite right that there has been so much. I do not hold back from saying that this should never have happened. It is a very serious situation that we do take very seriously and are working hard to rectify. Please be assured that that is the case, that we have made the resources available, and that we will complete this exercise this year.

Drew Hendry (Inverness, Nairn, Badenoch and Strathspey) (SNP): One of the many people in my constituency who have suffered from a catalogue of errors by the DWP is supported by Cantraybridge College. He had no ESA payment from the start of November until I intervened earlier this month. He was told there was a fault on the claim but given no other details. What does the Minister say to people such as my constituent and others who have had to rely on the support of friends and family to get through desperate times while those errors have gone on?

Sarah Newton: I thank the hon. Gentleman for his question, but it does not sound as though that particular case relates to what we are discussing today. Clearly anyone who needs support should receive that support. The person the hon. Gentleman describes will now be claiming universal credit, and the huge benefit of universal credit is that that young man will have a relationship with his work coach, and they can work together to make sure he is getting all the support that he needs.

Mr Jim Cunningham (Coventry South) (Lab): Many of my constituents fall into debt through arrears of payments, whether of universal credit or of other benefits,

[Mr Jim Cunningham]

particularly PIPs. Can we not reduce the waiting time for people on universal credit from five weeks to two weeks, or even a week, because some of them are in destitute situations?

Sarah Newton: If people have not got any money and are destitute in the way that the hon. Gentleman describes, they need to go to their jobcentre and speak to their work coach. They can be signed up to universal credit and go away with an advance on the same day. I wholeheartedly agree with the more general point about making sure that we make the right decision the first time so that people are not delayed by going through mandatory reconsideration and appeals, and that is what we are working to do.

Alan Brown (Kilmarnock and Loudoun) (SNP): When it comes to the 20,000 deaths, the Minister says that we as MPs cannot draw cause and effect in terms of underpayments. But surely, as a Minister, she cannot rule out any contributory factors unless we have a proper review and investigation into the circumstances in which those people died and what the effect of underpayments was. When will that review and investigation take place?

Sarah Newton: Let me reassure the hon. Gentleman and other Members that if anyone makes an assertion to the DWP that in some way the treatment of someone's benefits contributed to them taking their own life, that matter is taken extremely seriously and a full investigation is undertaken into the circumstances.

Neil Gray (Airdrie and Shotts) (SNP): Some 20,000 people have died since failing their work capability assessment in one way or another. Regardless of the circumstances of their deaths—we have to remember that six Secretaries of State and various junior Ministers have stood at that Dispatch Box and denied any link between social security failure and food bank use—surely it highlights the failure of the veracity of the work capability assessments, which require fundamental review. Will the Minister advise from which work streams the additional members of staff will be moved in order to deal with this problem?

Sarah Newton: Let me provide some clarification to the hon. Gentleman. What we are talking about today is people who were underpaid benefits. As they came across from IB on to ESA, they were put on to a contribution ESA when they could have been entitled to an income-related ESA. It is nothing to do with the work capability assessment, so the basic premise of his question is inaccurate.

On previous points, the morbidity surveys that the NHS undertakes looking at suicides are a matter of record. They are a very serious matter and are reported by the NHS.

Relationships and Sex Education

4.19 pm

The Secretary of State for Education (Damian Hinds): With permission, Mr Speaker, I will make a statement to update the House on the Government's proposals for the draft regulations and guidance on relationships education, relationships and sex education, and health education, following public consultation.

It is 19 years since the sex and relationships education guidance was last updated. The world that our children and young people face today is very different, and the way in which they build relationships, interact with their peers and manage their own mental and physical wellbeing has changed significantly. Along with all the positives of modern technology and new media come great risks, as children and young people are exposed to information, content and people that could and do cause harm. For many young people today, there is little distinction between their online and offline lives. That is why I believe that, now more than ever, it is necessary for us to give young people the knowledge that they need in every context to lead safe, happy and healthy lives.

During the passage of the Children and Social Work Act 2017, with strong cross-party support, the Government brought about the introduction of compulsory relationships education for all pupils in primary schools, and compulsory relationships and sex education for all pupils in secondary schools. In July I announced that, in addition, I would make health education compulsory for all pupils in state-funded schools. Thanks and appreciations are due in particular to my right hon. Friend the Member for Putney (Justine Greening) for her leadership in those historic steps, to my right hon. Friend the Member for Basingstoke (Mrs Miller) and to many other Members on both sides of the House, including the hon. Member for Rotherham (Sarah Champion). My sincere thanks also go to all the external groups and bodies that have contributed to the process and the tens of thousands who contributed to the call for evidence and consultation, and most particularly to our education adviser, Ian Bauckham CBE. Today we have laid the regulations that, following debate, will finalise the process, and published the accompanying statutory guidance for schools.

It is clear—this was also reflected in the consultation responses—that there are understandable and legitimate areas of contention. In reviewing responses and determining the final content of regulations and guidance, we have retained a focus on the core principles for the new subjects that Parliament endorsed through the Children and Social Work Act. Our guiding principles have been that these compulsory subjects should help to keep children safe, help to prepare them for the world in which they are growing up—including the laws relating to relationships, sex and health—and help to foster respect for others and for difference. Content must be appropriate in terms of age and developmentally, and must be taught in a sensitive and inclusive way with respect for the backgrounds and beliefs of pupils.

Parents and carers are the prime teachers for children on many of these matters, and schools complement and reinforce that role by building on what pupils learn at home. We have retained the long-standing ability for parents to request that their child be withdrawn from

the sex education element of RSE. The school should respect the parents' request to withdraw the child, except in exceptional circumstances, up to and until three terms before the child reaches the age of 16. At that point, if the child wishes to take part in sex education lessons, the headteacher should ensure that they receive it in one of those terms. In response to the consultation, we have further clarified in the guidance how and when a pupil's special educational needs may be taken into consideration, and the fact that headteachers should document their decision-making process on the right to withdraw.

We believe that after reviewing the consultation responses, we have struck a balance between prescribing clearly the important core knowledge that all pupils should be taught, and allowing flexibility for schools to design a curriculum that is relevant to their pupils. We have made a small number of changes that we felt were important and would further strengthen the intent of the guidance. For example, we have made changes to the content on puberty to reflect the need for menstruation and menstrual wellbeing to be taught in all primary and secondary schools.

Given the lack of distinction that young people make between online and offline contexts, we have expanded teaching about internet safety and harms to include content on the potential risks of excessive screen time, and on how to be a discerning, discriminating consumer of information and other content online. We have included teaching about rape, female genital mutilation and forced marriage in secondary RSE, and we have amended the content on organ and blood donation to include the science relating to stem cell donation. We are committed to ensuring that every school will have the support that it needs to deliver those subjects and maintain a high and consistent quality by September 2020. We will be investing in tools that will improve schools' practice, such as a supplementary guide to support the delivery of the guidance, targeted support for materials, and training. For the financial year about to begin we have allocated up to £6 million to invest in the development of those tools.

We will also continue to encourage as many schools as possible to start teaching these subjects from September 2019, partly so that we can learn lessons and share good practice about how these subjects are being taught before the full mandatory roll-out. These new subjects will put in place the building blocks needed for healthy, positive, respectful and safe relationships of all kinds, starting with the family and friends and moving out to other kinds of relationships, including those online. Young people will know what makes a good friend, a good colleague and a successful marriage, and what is acceptable and unacceptable behaviour in relationships. They will understand the positive effects that good relationships can have on their mental wellbeing. Alongside CPR and first aid, there will also now be mandatory teaching on mental health and wellbeing, a foundation for our wider transformation programme on support services for children and young people's mental health.

We believe that these proposals are an historic step in education that will help equip children and young people with the knowledge and support they need to form healthy relationships, lead healthy lives and be happy and safe in the world today. I commend this statement to the House.

4.26 pm

Angela Rayner (Ashton-under-Lyne) (Lab): I thank the Secretary of State for advance sight of his statement, and let me also say that we welcome its direction of travel.

As the Secretary of State said, the work of many colleagues across the House has led to today's announcement, and I pay tribute to my hon. Friends the Members for South Shields (Mrs Lewell-Buck) and for Brent Central (Dawn Butler), as well as my hon. Friends the Members for Rotherham (Sarah Champion), for Walthamstow (Stella Creasy) and for Birmingham, Yardley (Jess Phillips), who did so much from the Back Benches. It is only fair to note also, as the Secretary of State did, the contribution of the right hon. Member for Basingstoke (Mrs Miller), and the right hon. Member for Putney (Justine Greening) for her initial commitment to these changes.

There are a number of questions that I hope the Secretary of State can address. He said there would be a £6 million budget to support schools. With over 23,000 schools in England, this amounts to about £250 per school; is he confident that this is enough, and how will it be distributed? Will training be available to every teacher who requests it, and how many teachers will receive it over the next two school years? Is this new Treasury funding or money diverted from existing education budgets?

On the guidance itself, giving children a voice in this part of their education is hugely important, and I welcome the Secretary of State's recognition of that vital point. However, can he explain why, since the curriculum will always be age-appropriate, he will not allow children to opt in at a younger age? He referred to "exceptional circumstances" in which the opt-out will not be allowed; can he tell the House what such circumstances might be?

The Secretary of State will know the horrifying figures on bullying and mental health problems that affect young LGBT people. Addressing these issues in the curriculum would be a milestone in ensuring that they and others can grow up understanding more and living in a safer environment. At his last statement, I told the Secretary of State that these issues must not be an annexe to the rest of the curriculum, so I am glad that the draft guidance says they must be fully incorporated into the curriculum and not taught separately. However, paragraph 37 of the guidance says this only has to be taught

"at the point at which schools consider it appropriate."

I know the Secretary of State's Department has said it expects all pupils to be taught LGBT content, but how will he address the risk that some might be excluded?

Paragraph 21 of the guidance allows schools to "teach about faith perspectives", and schools with a "religious character" to teach a

"distinctive faith perspective on relationships",

and it says that

"balanced debate may take place about issues that are seen as contentious."

The Secretary of State will know there are concerns, particularly in the Jewish and Muslim communities, about both his Department and Ofsted, and I am sure we both want our education system to reflect the diversity

[Angela Rayner]

of our country and provide the opportunity to learn more about it. But can he also be absolutely clear that his guidance does not permit teaching that could be hostile or damaging to LGBT young people in particular?

I welcome the Secretary of State's words on health education and on the importance of mental health, but can he assure us that he does not intend simply to shift the burden of diagnosis on to teachers, and that greater provision of professional health services will be available? For example, has he considered matching our commitment to ensuring that access to a counselling service is available in every secondary school? I am glad that he has addressed the issue of menstruation, but that would surely be complemented by concrete steps such as those we have proposed to tackle period poverty in schools. Can he tell us whether subjects such as the menopause are also included?

The Secretary of State's commitment on online safety is also welcome, but is he pushing for firmer action aimed at the giant businesses that profit from social media without taking any proper responsibility? I welcome the inclusion of education on female genital mutilation in the curriculum, but girls are at risk of FGM when they are very young, so can he explain why this issue will not be included in the primary curriculum and tell us what other steps he is taking to tackle it? I believe that we are all better off through understanding the issues that we each face, and I hope that the whole House can work together to make this a reality for the next generation.

Damian Hinds: The hon. Lady has raised a number of issues, but I should like to start by thanking her for the collaborative and co-operative cross-party way in which she and her colleagues have addressed this matter. We want the subjects to help young people be healthy, happy and safe, and the building blocks start in primary school—particularly those dealing with healthy family relationships and friendships. At secondary level, this moves on to thinking about young people as potential partners and parents and therefore covers content on intimate relationships, sex, online harms and more complex mental health content. She asked about our wider approach on mental health, and she will know of our commitment—my right hon. Friend the Health Secretary is sitting next to me—to ensuring that support teams are rolled out across the country to work with schools, and to ensuring that there is a designated mental health lead to look at mental health first aid. Overall, the recognition that we all have of mental health is higher now than it is ever been.

The hon. Lady asked about LGBT content. Schools should address that, as they do other subjects, in an age-appropriate way. Schools, teachers and headteachers know their cohorts of children better than anyone, alongside their parents. We expect this education to happen, at least in secondary schools, so that by the time someone finishes school they have covered that content, but it could happen in primary school as well. Of course, it should not be hostile to any group, and we need schools to be sensitive to the different kinds of families that children might come into contact with. That is partly about LGBT people, but it is also about other types of family. For example, children might be

growing up with foster parents, grandparents or single parents, and schools need to be sensitive to whatever the set-up might be. The hon. Lady also asked specifically about LGBT bullying. That is of course a matter of great concern, and we know from surveys that LGBT-related bullying is quite prevalent. As she will know, we are funding four anti-bullying organisations, and the Government Equalities Office is also working with organisations on transphobic and biphobic bullying.

There is a parental right to request the withdrawal of their child from sex education, but we have carefully balanced that with the right of the child as they get older and become competent to make their own decisions. I think that we have struck the right balance there. The hon. Lady asked about exceptional circumstances. It is difficult to codify exactly what those exceptional circumstances could be—by definition, because they are exceptional—but the guidance sets out how headteachers should go about discussing these matters with parents. That is good practice, and they should honour that right to request withdrawal until three terms before the child reaches the age of 16. More broadly, we encourage schools to work with parents, and there is an obligation to consult parents on the content of these subjects and to publish that consultation on the internet. The hon. Lady asked specifically about faith groups, and it is correct to say that in the guidance we set out that the core content must be covered, but beyond that faith-based schools can reflect the teachings and traditions of their faith to help to build on that.

Overall, we need the right resourcing and support to help schools to deliver this properly, which is why we have budget available to do that. That will cover both online and face-to-face training, but of course we will continue to look at this as the programme gets rolled out to make sure that we have absolutely the right support in place.

Robert Halfon (Harlow) (Con): I strongly welcome my right hon. Friend's statement. Did he see the report in *The Times* at the weekend suggesting that more than 6,000 sex assaults had taken place in schools between 2015 and 2017, which was an increase of 60% during that time, and that some victims were forced to stay in the same school as those who had conducted the sexual assault? Will he look into that and ensure that it does not continue?

Damian Hinds: Yes, and of course I share my right hon. Friend's deep concern. Our "Keeping children safe in education" guidance sets out what should happen on safeguarding in schools. It includes specific guidance on what happens with reports of sexual violence and harassment between children, to ensure that if someone is at risk or is going to be at risk, an immediate referral should be made. If appropriate, that should be to the police.

Carol Monaghan (Glasgow North West) (SNP): I thank the Secretary of State for advance sight of his statement. I hope everyone in this place can agree that this is a long overdue but welcome update. We know that young people are hitting puberty younger than ever before, so it is good to see the inclusion of menstruation in these guidelines. Is the Secretary of State planning to follow the Scottish Government's example and make free sanitary products available in schools, both primary and secondary, across England?

It is important that parents remain the primary educators of their children, and that there is a partnership between schools and parents. Although I respect the right of parents to withdraw their children from these lessons, I make an appeal to those parents: children talk, so would it not be better that children and young people are taught by trained professionals, in a safe environment, where questions can be answered accurately and with sensitivity, rather than their getting half stories in uncensored chat in the playground?

The Secretary of State has confirmed that diversity, inclusion and tolerance will form the basis of these new proposals, and that young people will be supported in making safe and informed decisions about their sexual and emotional health and wellbeing as they prepare for adult life. Will these guidelines also support the aims of the TIE—Time for Inclusive Education—campaign with respect to LGBT rights and tolerance? Can he confirm that sex and health education will tie in with the Government's anti-bullying strategy to ensure that pupils are taught the importance of acceptance and are aware of the support available to them?

I am slightly concerned about the age at which FGM is going to be tackled, but perhaps the Secretary of State could tell us at exactly what age he proposes that this should start. We know that this practice is happening at a very young age, so children do need to be aware of it.

Finally, in recent evidence to the Select Committee on Science and Technology's inquiry on the impact of social media and screen use on young people's health, we heard disturbing evidence that 48% of 11 to 16-year-olds had seen online pornography, with many of them having done so simply because it had "just popped up". What can the Minister tell us about his plans to ensure that children are properly educated about the harmful effects of online pornography, including revenge porn, to ensure that young people are able to stay safe online and are aware of the consequences of this practice on both the victim and the perpetrator? What will he do to ensure that all young people, whether their parents have removed them from the lessons or not, will get these lessons, particularly those on safety online?

Damian Hinds: Again, there were a lot of questions in what the hon. Lady said. I am not sure I am going to be able to do justice to them by giving them all full answers, but I have a feeling that many of those topics will come up again during the course of questions. This guidance is for schools in England, but of course these are areas of shared concern. The hon. Lady is quite right that children talk, and these days they not only talk but see stuff on a screen. That is why it is much better to receive these messages from, as she rightly said, a trained teacher in a safe and supportive environment. Respect for LGBT people and so on is at the heart of this, and we are absolutely integrating what we are doing in this area with our work on bullying, as I said to the hon. Member for Ashton-under-Lyne (Angela Rayner), who speaks for the Opposition.

We will ensure that children in secondary school talk about the harmful effects of pornography and are aware of the wider issues around pornography and respect for others. That touches on some other issues, to do with privacy and some of the additional problems that people can run into online. *[Interruption.]* The hon. Member

for Batley and Spen (Tracy Brabin) says "consent". She is absolutely right. Consent these days is a multifaceted question, when we are talking about images of people and the control that they lose over them if somebody else comes into possession of them.

Finally, we need a whole-society approach to eradicating FGM, so that there is not another generation coming forward that is at risk of it. When we talk about FGM, we are not talking specifically about girls who are individually at risk. This is also about those growing up who will be the nurses, teachers, police officers, community support workers—you name it—of tomorrow and ensuring that we are aware of these issues throughout our society so that we can do better to stamp FGM out.

Justine Greening (Putney) (Con): I welcome the steps forward being taken today. They are incredibly important for many children and especially young people, whose voices have been listened to. It is very hard for them to protect themselves from a risk if they have never been alerted to its existence in the first place. It is also very hard for them to know what is normal and acceptable online—what they should share, what they should look at and what they should put online themselves—if no one has ever sat down and tried to explain to them the context and how that behaviour affects others, so what we are doing is crucial. Clearly, the online world in particular moves at a pace that often makes it hard for this place to keep up. Will my right hon. Friend set out what plans there are to ensure that it is not another 19 years before a Government revisit and update the guidance?

Damian Hinds: I said it earlier, but I will say it again because it bears repeating: let me express my thanks and appreciation to my right hon. Friend for the leadership she has shown on these issues over an extended period. I can make a commitment that it will not be another 19 years. During the passage of the legislation, our hon. Friend Edward Timpson, the then Member for Crewe and Nantwich, committed us to updating the guidance much more regularly—every three years or so—although it might need to be updated more quickly because, as my right hon. Friend rightly said, all these things are now moving at such a pace.

Lucy Powell (Manchester Central) (Lab/Co-op): I wholeheartedly welcome the Secretary of State's statement today. I know that these are not easy issues to navigate, and he is doing a really good job of it. With that in mind, I urge him to keep going, because there will be those who say that they want exceptions or want to exclude their children, or that their school is somehow different. I have visited many schools, as I am sure he has, where the majority of children are Muslim or of other faiths. They deliver teaching on LGBT bullying, LGBT awareness and all those issues extremely well, resulting in very well rounded children, so the Secretary of State will have our full support if he wants to continue doing this work.

Damian Hinds: I thank the hon. Lady for her kind words. Of course, many people have been involved in this work, and I know that it has support right across the House. I join her in commending schools—faith schools, community schools; all sorts of schools—that do such a good job of ensuring that all their children feel totally included and supported as they grow up.

Mrs Maria Miller (Basingstoke) (Con): The last time sex and relationships guidance was updated, the internet had not been invented, sexting had not been invented, social media had not been invented—the list goes on. All these things have become part of our children's childhood, so my right hon. Friends on the Front Bench today deserve the wholehearted support of everyone in this House for what they have done.

How will my right hon. Friend the Secretary of State make sure that parents understand that enabling their children to be part of sex and relationship education is about helping to keep them safe and that it is not a threat to their children's safety? It is through that work that the Government can most help schools understand how they deliver.

Damian Hinds: My right hon. Friend characteristically makes a very telling intervention. She is absolutely right. As we have gone through this process, I have been struck by the support that has come from some quite unexpected quarters. Often that is because of the jolt that adults have had from discovering the things that children find out and see on the internet in particular. There have always been stranger dangers, but there are now dangers from people whom children do not consider to be strangers or to be a threat and that has galvanised many people into supporting this kind of action.

Diana Johnson (Kingston upon Hull North) (Lab): I very much welcome today's announcement, but I should also say that of course 10 years ago the previous Labour Government made very similar proposals to the ones that have been announced today and, unfortunately, the Conservative party at that time could not agree with them or support them. I am delighted that there has been that change of heart.

I want to draw to the attention of the Secretary of State two constituents in my area, Stephanie Trotter and Vicky Parkey, who had a note put through their door on Thursday evening, which basically said that their relationship was immoral. It questioned their right to have a child together and told them that they should move away from the area. That bigotry and prejudice, which is still out there in some communities, has very effectively been challenged in my community by neighbours displaying the rainbow flag and putting up supportive posters for that family. That is why I am really pleased that the Secretary of State talked today about the need for healthy, positive, respectful and safe relationships of all kinds to be taught in our schools and the need for sensitivity to all types of families, so congratulations and well done.

Damian Hinds: I thank the hon. Lady for her words. I am so sorry to hear about the experience of the couple in her constituency. That does help to illustrate why it is so important that, from a young age, people think about respect for all kinds of people and all kinds of relationships, and understand that families of the other children in their school setting may look quite different from their own.

Sir Edward Leigh (Gainsborough) (Con): As far as I am concerned, the best form of sex education is—to coin a phrase—to respect and love your neighbour as yourself whatever their sexuality, just as you would respect and love them regardless of their race, ethnicity or anything else. How boring life would be if we were all

the same. This very diversity sums up why all previous Conservative Governments have recognised that religious people, and indeed non-religious people, have their own justifiable formal belief about the best way to teach sex education. All previous Conservative Governments, therefore, have given an untrammelled right to parents to remove their children from sex education, but here, in certain circumstances, that right has been transferred to the headteacher—a fundamental shift of power to the state. How does that square with what Edward Timpson, the then Minister for Vulnerable Children and Families, said during the passage of the Children and Social Work Bill? He said:

“We have committed to retain a right to withdraw from sex education in RSE, because parents should have the right, if they wish, to teach sex education themselves in a way that is consistent with their values.”—[*Official Report*, 7 March 2017; Vol. 622, c. 705.]

Damian Hinds: I thank my right hon. Friend for his question. I do not think I can do any better than read word for word from the guidance:

“Once those discussions”—

that is to say, those on the request to withdraw—

“have taken place, except in exceptional circumstances, the school should respect the parents' request to withdraw the child, up to and until three terms before the child turns 16. After that point, if the child wishes to receive sex education rather than be withdrawn, the school should make arrangements to provide the child with sex education during one of those terms.”

But the right continues to exist up until the three terms before the child reaches 16.

Layla Moran (Oxford West and Abingdon) (LD): I too wholeheartedly welcome this guidance. When I was a teacher, these were the lessons that I loved teaching the most. However, without good training, without a full understanding of the full evidence behind them, these lessons are really quite difficult to teach, and not all teachers are adept at doing that. What assurance can the Secretary of State give to all teachers that, if they are going to be teaching this, they will get proper training, not just online tools? Furthermore, will they have the time to be able to engage not just with that, but with the conversations that come naturally after these lessons as well?

Damian Hinds: I am glad to hear that the hon. Lady really enjoyed teaching these lessons. That is not true, of course, for every single teacher. Some can find it quite difficult, which makes the provision of good training and materials even more important. There are lots of third party organisations that produce high quality materials. We want to make sure that schools are easily able to access them, but I can give her the commitment that we will make sure that good training is in place.

Dr Julian Lewis (New Forest East) (Con): I am afraid that the Secretary of State did not quite answer the question from my right hon. Friend the Member for Gainsborough (Sir Edward Leigh). I agree with most of this, but I remember Edward Timpson categorically saying that parents would have the right to withdraw their children if they wanted to. The Secretary of State has made a very strong case for the three terms before the age of 16 exception, but he keeps adding the words, “unless there are exceptional circumstances”. Why have those words been added? In what circumstances would

a headteacher overrule a parent? Is not the likely effect of this going to be that in some cases, instead of children getting necessary sex education in schools, more parents are going to keep their children out of school?

Damian Hinds: We do not want parents to keep their children out of school. I hope I can reassure my right hon. Friend that the intention is to say that the long-standing right to withdraw children from sex education does not apply to relationships education or the subject of human reproduction in the science curriculum, but that there is that right to request when it comes to sex education. The request is put to the headteacher, and the guidance that we issue to headteachers clearly says that the headteacher should comply with that request up to three terms before the child reaches the age of 16. Why three terms before the age of 16? Because 16 is the age of consent, so the child should be able—if they wish—to have some sex education for at least a term before they reach that age.

Emma Reynolds (Wolverhampton North East) (Lab): I welcome the Secretary of State's statement and the impressive range of reforms that he is introducing, but will he say something about how the increasing number of children who are being home-schooled will benefit from these reforms?

Damian Hinds: There is a distinction to be drawn between children who are being home-educated and children who are not in school but who are sometimes statistically deemed to be home-educated because they are not in school; those are two different matters. Many parents are home-educating their children, sometimes because their children have had difficult experiences at school or have special needs and so on, and those parents are doing the most amazing and dedicated job in educating their children. The simple answer to the hon. Lady's question regarding how this reform will help children who are not at school is that it will not because this is about lessons that happen in schools. Where children are able to be in school, we want them to be in school.

Steve Double (St Austell and Newquay) (Con): I thank the Secretary of State for his statement, and particularly for his reassurances that the primary responsibility for educating children in relationships, sex and health remains with parents. In the light of his answer to previous questions, will he reassure the House that there is no intention whatever in these guidelines to usurp or undermine the rights and responsibilities of parents to educate their children in these matters if that is what they choose to do?

Damian Hinds: I can confirm that. What schools do should complement what parents do, and I recognise that parents are in many ways the primary educators in these matters.

Janet Daby (Lewisham East) (Lab): I welcome today's announcement about specialist subjects and new learning, but constituents have come to me both applauding these changes and raising concerns. What will the Department be doing to bring parents alongside schools, so that they can assist in their children's learning?

Damian Hinds: We want schools to work alongside parents, recognising that there are sensitivities to some areas of the subject matter. There is a requirement to

consult parents and to publish the school's policy on the internet. More broadly than that, we want schools to work alongside parents because this should be a collaborative effort.

Dr Matthew Offord (Hendon) (Con): The issue of relationships and sex education is causing a huge amount of concern in my constituency. I took a delegation to meet Lord Agnew, who said that his Department set the direction but that the interpretation was being implemented by Ofsted. Now, there are some Members here who feel that the state knows better than parents themselves, but the last time I looked the Conservative party believed in freedom of choice and the freedom for people to decide their own future. Will the Secretary of State agree to meet a delegation of my constituents so that he can hear their concerns at first hand?

Damian Hinds: I am always happy to hear from my hon. Friend. I assure him that in this process I and colleagues have met representatives from a range of different viewpoints, including a range of different religious groups. There is a balance to be struck, and I think we have struck it. We get criticism from both sides—both from groups who think that this is too liberal and from groups who think that it is too restrictive—and the job of the Government is to try to get a good balance that respects that. Faith is also one of the protected characteristics, and it is right that we acknowledge that and absolutely have due respect for it. We need to make sure that as children are growing up and, sometimes, coming to terms with themselves and the world around them, we support them and make sure that they are equipped as they enter the adult world.

Chris Bryant (Rhondda) (Lab): Well, I for one say hoo-bloody-rah—well done! I am absolutely proud of what the Government are doing, because in September 2010 I introduced a private Member's Bill to this effect. It is just a shame that they have taken such a long time to get round to it. Seriously, though, I am delighted, not least because what passes on poverty in so many cases around the country is teenage pregnancy. A young girl who has a child before she is 15 or 16, apart from the legality of the situation, will end up having a child who grows up to be a teenage mum as well. All the evidence shows that really good sex and relationship education makes sure that children delay their first sexual experience, take fewer risks when they do so, and end up being better, more rounded, more fruitful, happier children. So hoo-bloody-rah!

Damian Hinds: I can only agree with the hon. Gentleman. I do not know if that is unparliamentary language or not, Mr Speaker, but I think we will let it go on this occasion.

Mr Philip Hollobone (Kettering) (Con): I have had parents contact me over the weekend, ahead of the debate that is going on in Westminster Hall and the Secretary of State's statement, saying that they would like to have the right to make sure that their children do not attend the relationships part of the proposals that he is suggesting. What is the Government's response to my constituents on that?

Damian Hinds: I thank my hon. Friend for his question. Our response is that there is a long-standing right to withdraw from sex education. We took the view that

[*Damian Hinds*]

that right should not be extended to relationships education, as Parliament also decided during the passage of the Children and Social Work Act 2017. It is important that every child has the opportunity to learn about and to discuss the different types of relationship there are in the world. That does not start with intimate relationships. It starts with sharing, taking turns and being kind to people, with an understanding about permission that then moves into discussing consent before getting on to some of these matters about intimate relationships. Obviously, schools do much of that anyway, but grounding the content for later years in school with regard to some of these basic building blocks is really important.

Lilian Greenwood (Nottingham South) (Lab): I welcome the Secretary of State's statement. I strongly support the introduction of compulsory relationships education. It is vital that all young people grow up understanding and respecting the diversity of modern relationships and modern families. How will his Department monitor the delivery of these subjects to ensure that all children are taught effectively, including about LGBT issues, and that same-sex relationships are always presented in a positive and respectful way?

Damian Hinds: The hon. Lady raises an important point. Of course we expect schools to follow through on this. It is about core curriculum content, and schools do follow such guidance. It is also in scope for inspection by Ofsted, or aspects of it are, and by the Independent Schools Inspectorate—for example, through the way that inspectors look at pupils' personal development, behaviour and welfare, and their spiritual, moral, social and cultural development. As she will know, the Ofsted framework is a core part of the infrastructure around education.

Kevin Foster (Torbay) (Con): I welcome the statement, not least because, when I was going through school, sex education was too much about the mechanics and not enough about respect, emotions and, ultimately, the key issue of consent. The 19-year-old guidance is flagrantly in need of updating. Will my right hon. Friend reassure me that the focus of what we are looking to do is not just about learning about the mechanics—sadly, too much of that can now be done online—but about the key components of what a relationship actually is, particularly respecting others and respecting yourself?

Damian Hinds: I give my hon. Friend the absolute assurance that that is at the heart of these proposals.

Dr Lisa Cameron (East Kilbride, Strathaven and Lesmahagow) (SNP): I welcome the statement and the measured way in which it has been imparted to Parliament. However, pursuant to the question of the hon. Member for Kettering (Mr Hollobone), in what exceptional circumstances does the Secretary of State foresee headteachers overruling parents, aside from during the term prior to the age of consent?

Damian Hinds: As a matter of course, I would not expect headteachers to overrule parents. It is difficult to codify what those exceptional circumstances might be because, by definition, they would be exceptional. I make

it clear that the intent of the guidance is to say that when a parent requests that their child be withdrawn from sex education, the request will ordinarily be granted up to three terms before the child reaches their 16th birthday, being the age of consent.

Rachel Maclean (Redditch) (Con): I, too, welcome these measures, which help to prepare our children for life in the complicated modern world. The hon. Member for Ashton-under-Lyne (Angela Rayner) mentioned the menopause. The Secretary of State referred to menstrual wellbeing, and it is important that we include in that not only educating girls and boys about the start of menstrual life and the start of periods but what will happen at the end, because we know there is a shocking lack of awareness and information for women at that stage. Will he meet me to discuss this further and how it can be included in the curriculum and in the guidance for schools?

Damian Hinds: I am always pleased to meet my hon. Friend and to get her particularly expert view. There is a long list of things that we could include in this guidance, and we have already included a lot. We have tried to make sure that the guidance is quite comprehensive, but we have to set some limits.

Melanie Onn (Great Grimsby) (Lab): Nearly 750 children across my borough of north-east Lincolnshire have been exposed to domestic violence in the past year, and it is essential that all children understand what constitutes a healthy relationship and recognise unduly coercive and violent behaviour so that they do not go on to repeat it. Will the Secretary of State join me in congratulating North East Lincolnshire Council, Women's Aid and the NSPCC on the work they do, day in and day out, in my constituency and across my borough in schools and family hubs to protect, inform and support Grimsby's children and families?

Damian Hinds: I absolutely join the hon. Lady in commending those organisations. As she will recall, I had the opportunity some time ago to visit her constituency and to meet some of those involved in safeguarding children to hear about some of their strong and innovative work.

Ged Killen (Rutherglen and Hamilton West) (Lab/Co-op): I welcome what the Secretary of State has said about LGBT education, but does he think there are any circumstances in which a school should be allowed not to teach that element of the curriculum? I went to a faith school, and I do not want to be flippant about the sensitivities, but having absolutely no LGBT sex and relationships education did not make me any less gay. Every child in every school has a right to that education.

Damian Hinds: We are clear on two things: these issues should be taken on in an age-appropriate way, but by the time a person reaches the end of their schooling, they should have covered them. We trust teachers and headteachers to make the decision about when to do that but not whether to do it.

Jim McMahon (Oldham West and Royton) (Lab/Co-op): I thank the Secretary of State for bringing forward these reforms, which I broadly welcome, particularly

the element of relationship advice and what constitutes a good relationship, but there is no doubt that this is concerning parents in my constituency—I have received a lot of correspondence on this. Clearly we need to get the balance right on our common shared values of understanding and tolerance, but can he give reassurance to parents who are concerned about modesty and appropriateness that the balance will be right and appropriate for the age group?

Damian Hinds: I too have received a lot of correspondence, and I understand that there are great sensitivities. I think it is true to say that there is no set of guidance on relationships and sex education we could come up with that everybody would be happy with, but we have tried to strike a balance. We have written it into the guidance that there needs to be consultation and co-operative working with parents, and through that, I hope parents will be more reassured. As the hon. Gentleman knows, we are a diverse society, and it is important that children growing up in it know about that diversity.

Trade Remedy Measures: UK Interests

5.5 pm

The Secretary of State for International Trade and President of the Board of Trade (Dr Liam Fox): As part of the Government's preparations for leaving the European Union, the Department for International Trade has been determining which existing EU trade remedy measures should be transitioned once the UK operates its own independent trade policy. From the outset, in the October 2017 trade White Paper, the Government made a commitment to maintain those trade measures currently applied by the EU that matter to UK interests. The subsequent call for evidence published in November 2017 sought to establish which goods covered by EU anti-dumping and anti-subsidy duties are produced in the UK and whether UK production met the criteria to be transitioned. Provisional findings were published in July last year, with interested parties given further time over the summer to respond. Having completed their analysis of those responses, the Government will publish their final findings today.

Of 109 existing EU measures, we will maintain 43 where they are directly applicable to the UK and have met the criteria to be maintained. Those measures cover a wide range of goods, from ironing boards to aluminium foil, to ensure continued protection from known unfair trading practices for important industries such as steel and ceramics.¹ The measures will be in place and take effect from either 29 March, in the event of a no-deal UK exit from the EU, or at the end of the implementation period with the EU. That will also apply to any definitive safeguard measures that are in place on exit either on 29 March or at the end of an implementation period.

At the same time, the UK will not transition the remaining 66 EU measures that currently apply, because the measures did not meet our criteria as set out in the call for evidence. I remind the House that those criteria were: first, that the Department received an application from UK businesses; secondly, that the application was supported by a sufficient proportion of the UK businesses that produce those products; and thirdly, that the market share of the UK businesses that produce those products is at least 1%.

This is not about picking favourites. As I said previously, we will provide UK industry with a level playing field, enabling businesses to trade fairly with their international competitors. As I just set out, our decision about whether to maintain measures was based on whether those measures mattered to the UK. We cannot, for example, transition measures where there is no UK production, as that is not compliant with our World Trade Organisation obligations, nor is it in the UK's wider economic interests. Where measures are not transitioned, that will reduce costs for UK users of these products, lead to lower prices for UK consumers and benefit related industries such as food and construction. To provide just a couple of examples across different sectors, the final findings will see the removal of a 34% tariff on imports of solar glass from China, which is used to produce solar panels, and a 10% tariff reduction on imported sweetcorn from Thailand. This is just one of the benefits of the UK being able to operate its own independent trade policy, tailored to the specific needs of our people, businesses and communities.

1. [Official Report, 27 February 2019, Vol. 655, c. 1MC.]

[Dr Liam Fox]

The European Union has recently imposed safeguards on several categories of steel products in the form of tariff rate quotas. Safeguards can be used to protect domestic industry from surges in imports. They act as a safety valve and provide industry with some breathing space to adjust to increased imports. Under WTO rules, safeguards can only be used if unforeseen surges in imports are causing serious injury or there is a threat of serious injury to domestic industry. The Department for International Trade is working to ensure that these safeguards can be transitioned effectively, including setting the tariff rate quotas at an appropriate level for the UK market and reviewing the product scope, so that the safeguards only cover steel products made in the UK. I will be in a position to update the House on that shortly.

Turning back to the transition of anti-dumping and anti-subsidy measures, all transitioned measures will be maintained at the same level set previously by the European Commission until the UK Trade Remedies Authority completes a full review. This approach is a clear demonstration to our WTO partners of our continued commitment to a rules-based international trading system. The Trade Remedies Authority review will decide whether transitioned trade remedy measures should continue, and if so, at what level. It is designed to ensure that all interested parties have the opportunity to take part.

Once complete, the resulting measures will fully reflect the UK market situation based on UK-specific market data. The reviews will include an assessment of the risk of dumping or of subsidy recurring if measures are removed, an analysis of injury to UK producers and an assessment against the UK economic interest test. While the time taken for each review and their timing will be a matter for the Trade Remedies Authority to determine, we anticipate each review will take between 12 and 18 months to complete. I would very much like to thank the MPs from across the House who responded to the consultation process and those who made strong representations on behalf of specific interests in their constituencies.

As the House will know, work to establish the Trade Remedies Authority itself is well advanced, with over 80% of staff appointed. As I set out in my letter of 14 February to the International Trade Committee, in the event that the Trade Bill does not receive Royal Assent until shortly after exit day, I have prepared contingency options to ensure that we can deliver a fully operational trade remedy system. This contingency plan means that, until the Trade Remedies Authority is legally established, the staff recruited to and trained for that body can instead carry out their functions as part of the Department for International Trade. Once the Trade Bill receives Royal Assent, the drafting of the contingency regulations is such that trade remedy functions will immediately revert to the Trade Remedies Authority as a non-departmental public body. I intend to lay the secondary legislation giving effect to this option shortly. This will enable staff to begin reviews of transition measures. As far as possible, they will follow the same procedures as those that will apply once the Trade Remedies Authority is finally established.

Whatever the outcome of our negotiation with the European Union, UK industries can be confident that we are taking the necessary steps to ensure we are able

to operate our own independent trade remedies framework, avoid exposing them to known unfair trade practices and maintain the existing trade remedies measures that matter to their interests. We are of course committed to ensuring that UK industries receive the protection they need, but I am absolutely aware that trade remedies measures can increase the cost of affected products for user industries and consumers, as well as the competitiveness of both user and producer industries. That is why the principles we have set out for our trade remedy system include the need for proportionality. The system we are introducing ensures appropriate account will be taken of the impacts on users and consumers and on the wider trade agenda. I commend this statement to the House.

5.12 pm

Barry Gardiner (Brent North) (Lab): I thank the Secretary of State for advance sight of the statement today. He is right of course that, as we transition, we will need to have our own trade remedies in place. In his response, he may play fast and loose with our opposition to the Trade Bill, but he will know that our opposition was principled on the basis that we disagreed with many of the measures contained therein. We do, none the less, need to have measures in place.

We are just five weeks away from leaving the UK and possibly operating our own trade remedies, yet the Trade Bill, which establishes the Trade Remedies Authority, is still stuck in the other place due to the Government's refusal to set out a transparent and democratic approach to trade agreements. Will the Secretary of State confirm that the Manufacturing Trade Remedies Alliance's suggestion is correct that it would have been possible to maintain the existing EU remedies until they came up for review? Indeed, if he accepted my party's proposal for a customs union, he would ensure the continuity of trade remedies and that EU safeguard measures would not apply to British exports.

However, the Secretary of State has proceeded, as he wants, to fast-track the UK into the sort of less regulated economy he has always favoured. Rather than presuming to maintain trade remedies and maintain the status quo, so eager is he to begin cutting tariffs and opening up UK markets to cheaper imports that the Government have decided to presume that all such measures will be terminated, unless a case is made to maintain them. Such measures will undoubtedly increase the volume of imports on UK markets at less than fair market cost. After all, that is why the trade remedy measures were imposed in the first instance, following lengthy investigations by the EU. Indeed, at a time when the Department has faced repeated criticism about Brexit preparedness and priorities, when the Secretary of State has failed to bring forward the Trade Bill, when he has failed to discuss the 40 trade agreements that he promised would be ready "one second after midnight" after Brexit, and when the Government have failed to present a workable Brexit deal, why did he choose to ignore the MTRA?

The Government have failed to produce coherent evidence for these policy decisions; nor have they carried out an impact assessment. Indeed, many will be concerned that today's findings are little more than policy-based evidence to support the Secretary of State's free trade quest.

The Government's handling of Brexit has been absolutely chaotic, no more so than in the extraordinary approach taken to delivering the UK's trade policy. Any claims that the Government are acting in the interests of British business in ensuring continuity of trade on existing terms completely fall apart in the face of the evidence. The Secretary of State is chasing trade agreements with his gold tier friends across the Anglosphere and prioritising efforts to liberalise UK markets as part of his free trade experiment. In carrying out this consultation, the Government have refused to consider evidence from trade unions and civil society groups, instead only accepting arguments presented by a producer or group of producers who collectively meet what originally was an unspecified volume of production and/or who had an unspecified market share in those goods.

The Government's intended agenda is clear. While they have explicitly stated that only evidence submitted from producers may be considered in the determination of the continuation of an existing measure, they have welcomed the views of downstream producers and consumer interest groups. That further compounds the concerns of our producers that the Government's primary objective is cheaper prices, no matter how that might decimate manufacturing in the country. If people lose their jobs, cheaper prices will be of scant consolation.

There have also been recent reports that the Secretary of State wishes unilaterally to reduce all tariffs to zero in the event of a no-deal Brexit—a move that has been met with alarm and shock by our producing industries and which I detailed extensively in our debate last Thursday. Unfortunately the Secretary of State has refused to confirm that he has abandoned that folly. On zero tariffs, there has been no comprehensive formal consultation, no comprehensive impact assessment and no prolonged transition proposed. Such a significant decision would have far-reaching consequences for the UK economy and would demand full parliamentary scrutiny.

This Government have long stood against the interests of our producers and the jobs they maintain in our heartlands—from the Potteries to the valleys. The UK Government have repeatedly blocked efforts by the European Union to reform trade defence measures and, through the establishment of the Trade Remedies Authority, have taken a substantially different approach from the existing EU regime. The EU has since modernised those measures, as the UK no longer participates in those discussions. That resulted just last month in the EU introducing a range of safeguard measures to apply to steel imported into the EU, taking into account social and environmental factors in determining distortion in production. UK steel exports to the EU are likely to be subject to the additional measures, which will undermine UK steel competitiveness in those markets. Indeed, the vast majority of UK steel exports are to the EU or to those countries with which the EU has a trade agreement. The Government's trade policy priorities and failure properly to secure trade continuity arrangements jeopardise that.

The concerns of our producing industries are manifold. How will reviews of the maintained trade remedies be conducted? In determining the UK's approach, will the Secretary of State accept the findings of any separate EU review? Will he accept evidence submitted by producers in respect of ongoing reviews or investigations by the

EU as qualifying for automatic inclusion in any subsequent review or investigation to be carried out by the UK? What analysis has his Department carried out in respect of the impact of terminating trade remedy measures, and what assessment has it made of the unilateral reduction of trade tariffs to zero?

Dr Fox: We got there just before Brexit, Mr Deputy Speaker.

The hon. Gentleman did not say very much about trade remedies, so there is very little to respond to. In fact, it is a great example of "If you haven't got anything to say, don't say anything". The Government's policy is quite clearly correct and is supported by what he calls producers but I call employers. I know it was a slip of the tongue and that he did not mean that his policy is to leave the UK—I am sure that is the policy of the SNP.

The hon. Gentleman says that I want a less regulated economy. Yes, of course I want a less regulated economy, but it is against the rules of the WTO to impose regulations and trade remedies where there is no UK production or where we do not meet the threshold. Is he actually suggesting that we maintain remedies where there is no UK business and industry to protect, to the detriment of our consumers who will pay higher prices without protecting anything in the UK itself?

The hon. Gentleman talks as though cheaper prices are somehow a bad thing. I would love to see an improvement in the disposable income of people across all income ranges. If we can do that by removing tariffs—which are effectively taxes—by procedures such as this, we should be willing to do so. In fact, this is one of the real advantages of our ability to leave the European Union—to set our own tariffs.

The hon. Gentleman asked about the Trade Bill. Report stage in the House of Lords will be on Monday 4 March. He does not seem to understand the consultation we have had. We have engaged widely with stakeholders. He said correctly that we have spoken to those who produce these products, but we have spoken to those who are involved further downstream and whose costs may be reduced by what we are doing. We have spoken to trade associations, in particular UK Steel and the British Ceramic Confederation. We have had bilaterals, roundtables and technical meetings. We have written to all MPs twice, which one would have thought covered a very wide range of consultation if MPs are doing what they should be doing in their constituencies.

On the European Union, if we go into an implementation period, all trade remedies will be rolled over and we will adopt any new European trade remedies during that period.

John Redwood (Wokingham) (Con): An excellent statement with a good balance: protecting our industries against dumping where needed, but giving our customers more choice and lower prices where we do not have an industrial interest. Will my right hon. Friend promise me that those same excellent principles will be applied when he sets out our full tariff schedule, where I hope, for example, we will have zero tariffs on imported components to give a really big boost to British industry?

Dr Fox: The Treasury will bring forward the appropriate statutory instruments relating to that soon.

Stewart Hosie (Dundee East) (SNP): In evidence given about the formation of the TRA, the Law Society of Scotland said:

“it is important that any assessment of impact of particular trade measures takes into account a wide range of stakeholder interests. This should involve balancing the interests of producers and consumers, which may sometimes be directly opposed, as well as consideration of the wider public interest.”

That, of course, means consideration of measures such as the anti-dumping and subsidy measures that were in the provisional report published last July.

The methodology for determining whether measures would be maintained or rescinded, again published last July, included a great deal about production—supporting firms’ production, total domestic production, opposing firms’ production—and a great deal about the market, UK firms’ domestic sales and total domestic sales including imports. Those who have solely producer metrics are in the tables that were published last July—the producer application received, the support threshold met, the market share threshold met—and that led to some apparently contradictory decisions. Reinforcing bar from Belarus would have its measures terminated, but reinforcing bar from China would have its measures maintained. Tubes and pipes of ductile cast iron from India would be terminated, but welded tubes and pipes of iron or non-alloy steel from Belarus would be maintained. There were contradictions in what were apparently similar items.

May I therefore ask the Secretary of State—I know the updated version will be published soon—why was no weight given to the consumer interest explicitly? Why was no weight given to the wider public interest explicitly? Why do those outcomes seem so arbitrary for what would appear at face value to be similar products?

Dr Fox: Our intention is to maintain protection where there is a case to protect British businesses from unfair trading practices. We have looked at the evidence that the EU put in place to have these remedies in the first place and we think there is a suitable case for doing it. The hon. Gentleman asked me a very specific question about rebar steel. The reason that we have maintained measures on China and terminated measures in other cases is because no producer interest was expressed. They made no application for that to happen during the call for evidence and therefore, it did not fall within the criteria that we set out for the consultation and which I reiterated in my statement.

Sir Michael Fallon (Sevenoaks) (Con): I thank my right hon. Friend for the extensive consultation that he has carried out with both industry and Members of this House. Will he confirm, for the 43 EU remedy measures that we are maintaining, that none the less, his new Trade Remedies Authority will, during the implementation period, be able to start to review those measures to ensure that consumers are not paying any higher prices for goods than strictly necessary?

Dr Fox: I can confirm that and, as I said, we will want to use British market-sensitive data to do that. At all times, we want to maintain the correct level of protection so that our businesses are not subject to unfair trading practices such as subsidies and dumping, but at the same time, we want to ensure that where we can reduce tariffs and therefore prices for consumers without in any way reducing the protection of British business,

we will be able to do so. As my right hon. Friend the Member for Wokingham (John Redwood) said, it is a subtle, but important balance.

Catherine West (Hornsey and Wood Green) (Lab): Will the Secretary of State please explain to the House why the Trade Bill is taking so long to gain Royal Assent? Will he also list which trade unions he has included in his consultation on the trade remedies strategy?

Dr Fox: As I said, the Trade Bill will be on Report in the House of Lords next week. I hope that the Opposition will ensure that it can pass into law as quickly as possible—the Government will certainly not impede it. I cannot tell the hon. Lady which specific trade unions were involved, but I shall write to her with a response.

Mrs Anne Main (St Albans) (Con): I listened very carefully to the question/statement that the shadow Secretary of State, the hon. Member for Brent North (Barry Gardiner), made, and he sounded so not in favour of the Trade Bill that it was rather worrying. May I ask the Secretary of State what would happen to those protections if the Trade Bill were thwarted somehow by the Opposition?

Dr Fox: As I said in my statement, if we are unable to get the Trade Bill through, which provides legal underpinning of the TRA, we will use mechanisms under the Taxation (Cross-border Trade) Act 2018, but I would want to see the Trade Bill go through as soon as possible, because it gives us the best possible legal underpinnings for the mechanisms that we are putting in place.

Mr Chris Leslie (Nottingham East) (Ind): When we talk sometimes about national security, we think about military and defensive measures. This is about our economic security and businesses that are potentially under threat of being undercut by unfair subsidies from China or elsewhere, putting our workforce and their livelihoods on the line. Will the Secretary of State give us an absolute guarantee that our economic security is not going to be weakened after 29 March? It is clear that the haphazard way in which he has not managed to give the Trade Remedies Authority a proper, legal basis yet makes this look as though it is all held together by a box of matches and sticky-back plastic. We need strong defences for our country and surely that has to include strong economic defences as well.

Dr Fox: The hon. Gentleman is absolutely correct. We do need to look after our economic interests, which is why we need a Trade Remedies Authority that is able to put these trade remedies in place and review them. We did not vote against the establishment of the Trade Remedies Authority; the Opposition parties did so by voting against the Trade Bill in what would otherwise be an act of economic vandalism, were we not stepping in to ensure that businesses such as steel and ceramics are properly protected.

Sir Desmond Swayne (New Forest West) (Con): What is it about ironing boards?

Dr Fox: Like all the other elements that I mentioned, they in one way or another provide jobs for people in the United Kingdom, and the Government will ensure

that industries whether large or small are given the appropriate protection from unfair trading from overseas.

Tom Brake (Carshalton and Wallington) (LD): When does the Secretary of State expect the Trade Remedies Authority to be established, and what additional costs will be incurred before it is?

Dr Fox: It is impossible to give a date. The right hon. Gentleman's colleagues in the other place, who have been so holding up the Trade Bill, have more effect on the date than I do. He might want to have a word with them.

Dr Andrew Murrison (South West Wiltshire) (Con): I congratulate my right hon. Friend on his statement. Its value for both business and consumers is plain. Does he agree that it underpins the importance of ensuring that we do not have a forever customs union of the sort that has been highlighted as a very bad thing, *inter alia*, by the Leader of the Opposition?

Dr Fox: Were we to have a customs union, we would forever have to apply to the UK the trade remedies decided by the European Union, which might apply remedies to areas where there is no production in the United Kingdom, carrying a cost for our consumers but no benefit to our producers. That would seem to me to be one of the strongest arguments for leaving in the first place.

Gareth Thomas (Harrow West) (Lab/Co-op): The Secretary of State and the House will be aware that trade remedies can equally be imposed against the UK. He will also be aware that in the event of a no-deal Brexit we are likely to see—according to the British Retail Consortium—trade measures linked to WTO tariffs and new regulatory checks hit the cost of sourcing food from overseas by up to 40%. Given that his Trade Remedies Authority is not likely to be able to do anything about that, would it not be a good time for him to announce that he will join other Cabinet Ministers in insisting that the Prime Minister takes a no-deal Brexit off the table this week?

Dr Fox: There were several completely different issues in that question. I think that the hon. Gentleman is to some extent confusing the issue of most favoured nation day-one tariffs with the tariffs that come from trade remedies. No remedies could be applied to the United Kingdom unless we were in breach of WTO rules on subsidies and dumping. I assure him that under a Conservative Government that is simply not going to happen.

Mark Garnier (Wyre Forest) (Con): I thank my right hon. Friend for his statement. Trade remedies are an incredibly important measure for the protection of British industries, but they should not be used as protectionism. Can I urge my right hon. Friend that as we move forward as an independent nation free of the European Union we use our seat on the World Trade Organisation to highlight and champion the cause of free trade around the world?

Dr Fox: Like my hon. Friend, I am, I would like to think, a great champion of free trade, but that does not mean a free-for-all. There have to be rules to ensure that there is fair trade in the global trading system. That means

that those countries that purposely overproduce, dump and subsidise, and are therefore not part of a fair trading system, should be penalised for doing so.

Hywel Williams (Arfon) (PC): Some 9,000 jobs in Wales depend on the steel industry. Further to the question from my hon. Friend the Member for Dundee East (Stewart Hosie), some steel products figure in the list of 43 measures to be maintained, but others appear in the 66 measures to be terminated. Will the Secretary of State give an absolute guarantee that the measures to be terminated will not lead to steel jobs being terminated in Wales?

Dr Fox: I am encouraged by the reaction of UK Steel, who very much welcome the Government's measures. In a very small number, such as rebar, we have maintained the remedy, where the industry itself has said that it wants to and it meets the threshold: we have not done so where there is either no production in the UK or there has been no representation from any UK producer that we should carry forward such a remedy.

Tom Pursglove (Corby) (Con): As my right hon. Friend knows, the steel industry is vital for Corby. Can he say a little more about what these developments today mean for the steel industry in this country and for my constituents in particular?

Dr Fox: I am grateful to my hon. Friend for his constant support for, and defence of, steel interests in his constituency and elsewhere. Today we are setting out to show the industry that we will continue to provide the same level of protection, and the same remedies at the same level, to which it has become used in the European Union, and for the same reasons. Those remedies are in place because there has been very unfair treatment in the global steel industry, especially in the form of overproduction, subsidy and dumping. We will ensure that the British steel industry is never subjected to those pressures.

James Cleverly (Braintree) (Con): My right hon. Friend mentioned this in his statement, but will he give a more explicit commitment that under a Conservative Government we will always seek to drive down tariff barriers where that is possible—and drive down prices for consumers—while protecting the industries in the United Kingdom from unfair and distorted competition from overseas?

Dr Fox: Wherever we can bring down prices to make the disposable incomes of people throughout the United Kingdom go further, we will do so. That is a sound Conservative principle. We will also cut tariffs where we can do so without any potential disruption or disbenefit to UK business and industry, because tariffs are taxes. We are able to take those measures today because we will no longer have to apply remedies—that is, taxes—to the UK in areas where there is no UK production, but there is currently EU production. It is an act of economic liberation.

Mr Philip Hollobone (Kettering) (Con): The Trade Remedies Authority sounds like a good idea, but it is a quango. It used to be a “sound Conservative principle” that we would reduce the number of quangos. I think it was our policy at one time that for every new quango introduced, two would be abolished. Before the authority is formally, officially established, will the Secretary of State identify two quangos that will get the chop?

Dr Fox: Given the short time for which my Department has existed, we have not yet developed such bodies. I will convey my hon. Friend's representations loudly and clearly to my departmental colleagues, but I must say to him that the Trade Remedies Authority is necessary for the protection of key British businesses and the application of international trade law. If we cannot get the Trade Bill through on time, I will take contingency measures to ensure that those protections are given to British businesses, and that international trade law is upheld.

Kevin Foster (Torbay) (Con): It is always a pleasure to see you in the Chair, Mr Deputy Speaker.

The Secretary of State will be aware of Torbay's vibrant photonics industry, which manufactures and exports particularly to the United States. I welcome the continuing commitment to protecting industries in which there is production, but does he agree that it would make absolutely no sense to go on protecting industries that do not exist in this country, which would merely drive up prices for consumers?

Dr Fox: I find it bizarre that what I interpret as the position of the Labour Front Bench today is to maintain trade remedies where there is no UK producer interest. It does not comply with WTO law, but even if it did, it would make no economic sense whatsoever to apply increased cost to the United Kingdom unnecessarily. I think that that shows how utterly confused, and confusing, Labour's policy in this area is.

Jack Brereton (Stoke-on-Trent South) (Con): I thank my right hon. Friend for his statement, and particularly for his reference to the ceramics industry. Does he agree that it is essential for the ceramics industry in Stoke-on-Trent that we maintain the level playing field in trade against those unfair practices, and prevent those who want to flood the UK market with low-value goods from doing so and threatening British manufacturers?

Dr Fox: One of the reasons I looked forward to making my statement was that I would be protected from the persistent but not unwelcome badgering of my hon. Friend about ceramics in his constituency. In recent months, he has made the point forcefully and frequently in every corner of the building in Whitehall. Yes, I do agree with him: while we want our imports to fall given the cost to consumers, protection is necessary when countries are following policies that are designed to undermine the concepts of international trading law. We will resist those. We are rolling over the protections for the ceramics industry today because it is very vulnerable to the practices of dumping, overproduction and subsidy which we so deprecate.

Point of Order

5.39 pm

Mr Ian Liddell-Grainger (Bridgwater and West Somerset) (Con): On a point of order, Mr Deputy Speaker.

I am sorry the Speaker is not in his place, but I seek your wisdom and learned advice on an issue, Mr Deputy Speaker. At the close of business questions to the Leader of the House on the Thursday before last my hon. Friend the Member for Taunton Deane (Rebecca Pow) in a point of order raised a complaint about the contents of my interventions. She said I had made a serious allegation that had caused real distress in Taunton. It concerned a company which has now confirmed in the *Somerset County Gazette*, the local newspaper, that everything I said in this place was in fact correct, and I will be sending that information to the Speaker as soon as I can.

Sadly, I was not in the House to respond to my hon. Friend's complaint, and if I had known I would have stayed. I never want to cause distress to any colleague, and I understand the Speaker made it clear that free speech must be used wisely, maturely and with sensitivity. I totally agree, and I always try to let parliamentary colleagues know in advance if I intend to mention their constituencies. I ask you, Mr Deputy Speaker, as Chairman of Ways and Means, if there might be any possibility of bringing this protocol up to date.

I have been lucky enough to have been called in almost all of the last 30 business questions to talk about Taunton Deane, and I have raised many serious matters about the government and governance of Taunton. All of them have been aired by me outside this place. I do not represent the people of Taunton, but Taunton's new council, which is about to start, will soon control the lives of 35,000 of my constituents in West Somerset. Most of them were dead against this merger, and many of them are alarmed and very worried about what is happening in Taunton. Frankly, it is impossible for me to avoid talking about Taunton and still do an adequate job on behalf of my constituents.

The Speaker's predecessor, the late Lord Martin of Springburn, ruled in 2001 that a Member should inform a neighbouring Member 24 hours in advance of making any intervention about the other's constituency. Eighteen years is a very long time in politics, as we know, and times change. May I offer a suggestion: if I write to my hon. Friend the Member for Taunton Deane just once at the start of each parliamentary Session, will that maintain the spirit of the protocol while recognising my duty to my constituents? I will of course send any of my more interesting comments to the Speaker in advance, as I have tried usually to do.

Mr Deputy Speaker (Sir Lindsay Hoyle): Thank you for that point of order. There was a lot there; what I would say is that I think neighbouring MPs need to work closely together and I think customs and practices of the House should continue. One letter would not suffice, as the hon. Gentleman well knows, but I am sure there must be a way forward. You have certainly put on record the part that wanted to be corrected, and in the spirit of being good neighbourly MPs, especially from the same party, there must be a way of whipping this forward, and maybe a cup of coffee between the two of you will be a better way forward than raising it in the House. I wish you both well.

BILL PRESENTED**PLASTIC POLLUTION**

Presentation and First Reading (Standing Order No. 57)

Mr Alistair Carmichael, supported by Anna McMorris, Scott Mann, Alex Sobel, Caroline Lucas, Layla Moran, Tim Farron, Mary Creagh, Zac Goldsmith, Ben Lake, Dr Matthew Offord and Kerry McCarthy presented a Bill to set targets for the reduction of plastic pollution; to require the Secretary of State to publish a strategy and annual reports on plastic pollution reduction; to establish an advisory committee on plastic pollution; and for connected purposes.

Bill read the First time; to be read a Second time on Friday 15 March, and to be printed (Bill 339).

Exiting the EU (Financial Services)

5.43 pm

The Economic Secretary to the Treasury (John Glen):
I beg to move,

That the draft Financial Services and Markets Act 2000 (Amendment) (EU Exit) Regulations 2019, which were laid before this House on 31 January, be approved.

The Treasury has been undertaking a programme of legislation to ensure that, if the UK leaves the EU without a deal or an implementation period, there continues to be a functioning legislative and regulatory regime for financial services in the UK. The statutory instrument being debated today will fix deficiencies in the Financial Services and Markets Act 2000, commonly referred to as FSMA, and subordinate legislation made under FSMA, which are an important part of the UK's regulatory framework for financial services.

A key function of this legislation is to define the "regulatory perimeter" that sets out the activities and financial institutions that are in scope of UK financial services regulation. In a no-deal scenario, the UK would be outside the EU's supervisory and regulatory framework, resulting in deficiencies in the existing legislation. Specifically, many provisions in the legislation set the scope of regulated activities based on firms being authorised and operating across the single market, or by referring to definitions in EU law, which will no longer be workable after exit.

As Members will be aware, the EEA Passport Rights (Amendment, etc., and Transitional Provisions) (EU Exit) Regulations 2018, which Parliament has approved, begin the process of removing legislative provisions that facilitate passporting in the UK, as well as providing for a temporary permissions regime allowing EEA firms to continue their activities for a limited period after exit day, giving them time to become UK-authorised.

While the SI being debated today does not alter the underlying policy of the UK's legislative framework for financial services, many of the proposed changes in it are necessary to complete the task of removing passporting-related provisions and to define the UK's regulatory perimeter as a regime operating outside the EU. Many of the definitions of regulated activities in FSMA, and in the Regulated Activities Order 2001 made under FSMA, include the EEA in their scope and rely on definitions in EU law to operate. To reflect the UK's new position outside the EU, the SI will amend the territorial scope of those definitions where needed, so that they apply only to the UK after exit.

As well as setting the general regulatory perimeter, FSMA and subordinate legislation contain some specific provisions that are important to the UK's regulatory regime. For example, provisions in FSMA specify certain important functions for which authorised firms must obtain approval from the Financial Conduct Authority or the Prudential Regulation Authority, under either the approved persons regime or the senior managers and certification regime. FSMA currently exempts EEA firms from elements of those UK conduct regimes, which would no longer be safe or appropriate once the UK is outside the EU's single market. The SI therefore removes this exemption for EEA firms.

Some of the changes proposed in this SI are also necessary to ensure that UK regulators can continue to carry out their statutory functions. As I have mentioned,

[John Glen]

this SI will complete the process of removing passporting-related provisions. This will mean that some firms and fund managers may face new requirements as result of these necessary changes. The SI therefore creates some transitional arrangements to mitigate disruption to those EEA firms and their consumers. For example, some of these transitional provisions relate to certain financial instruments, financial documents or contracts that have been issued or entered into pre-exit, ensuring that they continue to operate effectively after exit for an appropriate period.

Even with the specific transitional arrangements we are making in this and other onshoring SIs, firms will still be faced with a large volume of regulatory changes that they will need to adapt to in a no-deal scenario. This could cause significant disruption to the financial services sector and consumers immediately after exit, and firms will need more time to adjust to these new requirements. To prepare for this scenario, this SI creates a temporary transitional power that allows the UK regulators to defer or modify changed requirements for firms.

This temporary power is designed to replicate the adjustment time that firms would have if the implementation period in the proposed withdrawal agreement were ratified. For that reason, the temporary transitional power would be available for two years from exit day. Any directions made under the transitional power would therefore expire at the end of that two-year period, after which firms would have to comply with all new requirements in legislation. The UK regulators are best placed to decide how to phase in onshoring regulatory changes, working with the firms they supervise and using their supervisory judgment. I am particularly grateful to the members of the Treasury Committee, who took the time to scrutinise this temporary transitional power in the recent hearing that took place on 29 January. I am pleased that the Committee acknowledged the need for the temporary power, with the Chair concluding that “although this is unprecedented, these powers are needed in order to make sure our financial services sector works, whatever might happen”.

The Treasury has been working closely with the regulators in the drafting of this SI. It has also engaged industry on the SI through a cross-sectoral working group with representatives of the financial services sector. That group is chaired by TheCityUK and has representation from a number of different trade associations and law firms. Industry has expressed support for the provisions in this SI and welcomed the proposed transitional arrangements as prudent and pragmatic.

Before I conclude, I would like to draw the House's attention to two minor mistakes that have been discovered in the SI and the explanatory memorandum that accompanied it. Unfortunately, mistakes do happen from time to time, and where they are found it is important that an explanation is put on the record. Shortly after the SI was laid, a small typographical error was discovered in regulation 202(2)(a); it refers to the “Prudential Regulatory Authority”, whereas of course it should read the “Prudential Regulation Authority”. A correction slip will shortly be made to put that right.

In preparation for this debate, a minor inaccuracy was discovered in paragraph 2.55 of the explanatory memorandum. This SI removes the exemption from the

requirement for a financial prospectus to be approved by the Financial Conduct Authority if it has been approved in another European economic area state. This amendment is correctly explained in paragraph 2.55, but the paragraph also says that the SI makes transitional provision for prospectuses approved by an EEA regulator before exit day. Although there will be such a transitional provision, it is not made in this SI; it is made in the Official Listing of Securities, Prospectus and Transparency (Amendment etc.) (EU Exit) Regulations 2019, which were debated in the other place on 18 February and in this House on 19 February. I apologise for the mistake, but hope the House will agree that this is a very minor mistake that does not alter the substance of the explanation provided in the explanatory memorandum. However, I will be re-laying the explanatory memorandum to ensure that the mistake is corrected.

In summary, the Government believe that the proposed legislation is necessary to ensure that there is a functioning legislative framework for financial services regulation in the UK after exit.

5.51 pm

Anneliese Dodds (Oxford East) (Lab/Co-op): It is a pleasure to be here today and to have the opportunity to speak on these important provisions. Of course this is not the first time that I have sat across from the Minister—mainly in Committee Rooms—to discuss delegated legislation relating to no-deal provisions for financial instruments, but I am pleased that at least this debate is taking place in the Chamber.

I am grateful to the Chair of the Treasury Committee, the right hon. Member for Loughborough (Nicky Morgan), for writing to the Leader of the House and the Economic Secretary to the Treasury to help secure this debate. It will not come as a surprise to Members that I robustly agree with the points she made in her letter about why this instrument merits a debate on the Floor of the House, given, as she says,

“the wide-reaching scope of powers that are being provided to the regulators.”

The Opposition made the same point in their request for a debate on the Floor of the House on the markets in financial instruments directive—MiFID—SI back in November. MiFID is a cornerstone of the regulatory architecture of UK capital markets, numbering tens of thousands of pages and enshrining important retail market protections. Yet that request was denied, and the Opposition made very clear at the time their objections and their concerns about the democratic implications of that. So although I am pleased that we now have the opportunity to participate in a wider debate about another significant item of regulation, it is not before time, and I wish that the Government had heeded our calls earlier.

We are now three months on from that MiFID SI and, thus, significantly closer to the potential reality that these items of legislation may end up on the statute book. We are now barely one month away from 29 March, yet we are still without a ratified EU exit deal. Therefore it is more important than ever that this legislation is properly scrutinised, as, unfortunately, the likelihood that it might be used increases. Tomorrow, myself and a number of colleagues currently in the Chamber will discuss the Financial Services (Implementation of Legislation) Bill in the Public Bill Committee. That Bill

handles the EU regulations currently in train that will be implemented over the next two years. It worries the Opposition deeply that we are entering into a patchwork of regulation on financial services. We have debated dozens of SIs that allocate new powers to different institutions, including the FCA, the PRA, the Bank of England and the Treasury, yet we have no central means of assessing those new powers and what they look like in the round. Instead, they must be pieced together across different items of legislation, which is extremely challenging from a scrutiny perspective and risks clashes and inconsistencies. Should we crash out without a deal, it will be even more difficult, given the overall context, to keep track of which body was empowered to do what and for how long.

That is especially relevant when it comes to the instrument we are discussing today. The Financial Services and Markets Act 2000, like MiFID, is a sprawling piece of financial regulation that touches on many different areas of the market. It therefore impacts significantly on the powers that regulators will need to take on functions from the EU. It also interacts in several different ways with the overall programme of no-deal secondary legislation, most notably with the temporary permissions regime, as the Minister acknowledged. So, first, may I ask him to clarify why this instrument has been scheduled quite so late in the process, when we are just a month away from exit? What financial institutions require at this point more than anything is certainty. Leaving such a linchpin of UK markets until the eleventh hour seems as though it will place unnecessary stress on UK financial services firms, given that policies such as the temporary permissions regime were determined earlier in the process, in recognition of the time they would need to be implemented. The Treasury's own estimate, in its impact assessment, of the number of firms that will need to familiarise themselves with this instrument, is 59,200. So this is significant pressure to place on a large number of firms so close to exit day, especially as the instrument outlines conditions that must be met by exit day.

For example, the instrument stipulates new rules for firms that are already in the process of making a part 7 insurance transfer between UK and EEA entities, with onshoring legislation introducing a savings provisions in relation to insurance business transfer schemes. But for it to be available in the two years following exit—as the Minister rightly said, to shadow the approach that would have been taken if we had a proper implementation period—an independent expert required for the transfer must have been appointed by exit day and a transaction fee must have been paid to the PRA. Can the Minister confidently say that firms that are impacted are aware of this and will have sufficient time to carry it out, given how close we are to exit day?

The Opposition's other concern is the sweeping bestowing of yet more powers on to the regulator, without sufficient checks and balances. We have repeated our issues with that on numerous occasions in Committee. Although we have been told by the Government that these instruments do not represent policy judgments, in our view deciding where to allocate powers, along with their extent and duration, is intrinsically a policy judgment. Simply substituting the FCA for the European Securities and Markets Authority, and the Treasury for the European Commission, is not a straight swap. The two European

institutions interact in a different way from the FCA and Treasury, with different checks and balances. These issues need proper discussion and scrutiny.

The impact assessment provided by the Treasury for this Bill maps out how regulators will be able to execute these new powers. It states that

“to apply the power, the relevant regulator will need to make a ‘direction’ which should be brought to the attention of the affected firm or group of firms. Before making a direction, the regulator will need to consult other regulators where the other regulator's functions may be affected by the direction. The regulator will also need to consult HM Treasury. Directions will be published by the regulators unless doing so would adversely affect their statutory objectives.”

So we have here a mapping out of the intra-regulatory consultation, but where is the wider consultation that will take place with the affected firms and other stakeholders before proceeding? We are informed about this being “brought to the attention” of these bodies, not about a consultation. The Minister's comments on that were slightly vague. He was talking about the whole package of financial services legislation, rather than about this specific aspect. Our concern is that this sounds like a power to make regulations simply via public notice, with limited accountability and recourse.

I am grateful for the time the Minister and his team have taken to brief me throughout this process. Nevertheless, we would be failing in our duty as the Opposition if we did not highlight our serious concerns about the use of the SI process to prepare us in this way. Some colleagues here today will have heard us list those objections in Committee previously, but to reiterate: we believe the magnitude and volume of changes proposed should have been consolidated into one piece of primary legislation that could have been better scrutinised. Indeed, at the session last week in the other place on subordinate legislation transparency and accountability, the Conservative peer Lord Lexden voiced the Committee's concerns about the number of drafting errors in instruments. That is surely an indication that the scale of this project was too large.

I must praise the Minister's candour in acknowledging that there were drafting mistakes in this SI. As he knows—he has kindly taken on board this fact—I have identified a drafting error in one of the SIs that was presented to us. I do not believe this is the Minister's fault, nor do I believe it is the fault of his civil servants, who are working enormously hard on this package of legislation. It is, however, an indicator of the fact that those who believe that preparations for no deal can be simple are kidding themselves and do not understand the magnitude of the task. We simply do not understand what issues we may be storing up for the future, especially as the consequences of a no-deal Brexit, in which this legislation would be used, are so hard to predict. I can only hope that we do not find out. The Opposition will do everything in our power to prevent a no-deal outcome, despite the Prime Minister's reckless running down of the clock by postponing the meaningful vote yet again just yesterday.

6 pm

Nicky Morgan (Loughborough) (Con): It is a pleasure to speak in this debate. I thank the Minister for coming to the Treasury Committee to give evidence at the end of January, and the chief executives of the Prudential Regulation Authority and the Financial Conduct Authority, who sat alongside him and also gave evidence.

[Nicky Morgan]

I am grateful that, as the shadow Minister said, the Leader of the House listened to the Committee's request that this SI should be debated on the Floor of the House, because it offers unprecedented powers, for understandable reasons. That is why I and Committee members understand and will support the powers sought in this SI, but it is right that they should be scrutinised. Continuity of business is important for our financial services sector. The impact assessments for this and similar statutory instruments make clear the enormous contribution that the financial services sector makes to this country and the huge amount that it pays in tax revenue, which is important for funding our public services, but our financial services sector also puts the UK very much on the global map.

The Minister, who was perhaps left with no choice, and the chief executives have generously said that they are willing to come back to the Committee, should the powers be needed and we have further questions about how they are used in future. However, we all hope that this SI will not be needed, because it is for a no-deal scenario, and we all hope very much that the Prime Minister is successful in negotiating a withdrawal agreement with the European Union.

I want to concentrate on two areas this afternoon. The first is the duration of the new powers. The shadow Minister rightly said that, because of the timescales and the complexity, what is being created feels like a patchwork of legislation, some of which will be needed in one scenario and some in another. That might be challenging for Members of Parliament and for Ministers and shadow Ministers, but the people we should really be thinking about are the businesses that will have to try to follow the new legislation, which sets out the new powers. The Committee has noted that the no-deal statutory instruments relating to financial services seem to have different durations, creating cliff edges at different times. Would it not be easier for the businesses—those that will have to rely on this secondary legislation—and other interested parties if the Government provided the regulators with additional powers in a no-deal scenario that had a consistent duration, to minimise multiple cliff edges throughout the negotiations that will take place in the coming years?

Let me turn to the impact assessments for regulations such as this, which I think have been subject to some debate upstairs in various Committee Rooms. The Treasury has provided impact assessments, and there seem to be two types of costs: familiarisation costs for most businesses, which have to read the regulations and understand them, and implementation costs for business that have to modify their business practices. The assessment calculates that this statutory instrument will cost each firm £1,900. That calculation appears to be based on the number of words used in the instrument, with a cost across the industry of £110 million, which suggests that 57,000 to 58,000 firms—the shadow Minister mentioned 59,000—will be affected.

I speak as a former lawyer. Words were important and often, it would be fair to say, we tried to use as many as possible. The number of words used is an interesting way of measuring the impact of regulations made through secondary legislation. I do not know whether the Minister wants to say something about

that now—it has been covered in debate elsewhere—but I would ask him whether that is the right way to proceed.

Secondly, the Government have been unable to put a monetary value on the cost to businesses of complying with the statutory instrument. The Minister rightly said that he has worked with industry to ensure that the new powers are what the industry needs to provide continuity—I know he has done that, because I have had feedback from different financial services firms—but has he asked the affected firms of different sizes what they estimate their compliance costs will be? Would that not be a pragmatic approach to calculating the costs of compliance—the cost of advice that firms will need to take and the amount that they might have to spend to change their internal rulebooks and guidance and the guidance provided to clients?

We live in extraordinary times. This is an unprecedented situation, where all sorts of hyperbole can be used. As I have said, granting these powers to the regulators makes enormous sense for the continuity of a very important part of our business sector. I wish that the Government had produced a proper White Paper about their plans for financial services, as I asked them to well over a year ago. Right hon. and hon. Members in all parts of the House will understand why the Government are asking for these powers. However, while I have no reason to think that this Minister does not welcome scrutiny—I think he has appeared before our Committee more than any of his colleagues—he and other Ministers should expect continued rigorous scrutiny by the Treasury Committee and other interested Members of how the powers are exercised and of whether and when they can be done away because we have moved to a new system of financial services regulation.

6.5 pm

Alison Thewliss (Glasgow Central) (SNP): I thank the Minister for all his work on these financial services SIs. I have debated some of them and the hon. Member for Oxford East (Anneliese Dodds) has debated some, but he has had to debate almost all of them. That is a terrible burden for one man to have to bear, and it illustrates that this process is hugely time consuming. It is eating up massive amounts of all our time. We might hope that we will not need to use these statutory instruments, but as we head towards Brexit, and with the Prime Minister's announcements over the past 24 hours, it feels as though things are getting more and more perilous the closer we get.

In many cases it feels very much like we are rearranging the deckchairs on the Titanic, because we are less than five weeks from exit day and the Government are quite clearly running down the clock. We should be under no illusions that while a no deal is an absolute catastrophe, the deal being proposed is not good enough either. There are no merits to a no-deal Brexit plan for financial services, but whatever deal can be cobbled together, it will be nowhere near as good for financial services as what we have at the moment. Removing passporting, which is part of what this legislation is all about, will have a huge impact on financial services and how they operate.

It is no secret that I have very different opinions from many on the UK Government Benches, but this is no longer a question of differing opinions. The reality is that no competent Government would have let things

get to this stage. We should not be coming here at the very last minute to discuss such legislation. The Minister was up front in saying that there were errors in the legislation, but that smacks of a process that is not good enough. Some things have been picked up as incorrect, but there may be other things, because this is a substantial SI. We have got it pretty late in the day, and it is incredibly detailed and complex.

I would like the Prime Minister to recognise the urgency of the situation and extend article 50, taking no deal off the table, to give us more time on all this. Ideally, I would like us to stay in the single market and the customs union, because that would make things hugely simpler, certainly for financial services and for everybody else in other sectors of the economy too.

The Scottish Government have been doing their best, preparing as best they can, but they cannot mitigate everything. We do not yet have the Treasury's full analysis of the Prime Minister's Brexit deal, despite this House having voted on it twice. Last week the Scottish Government invested in their own analysis, which was published last week in a report by our chief economist. The results were damning. It said that Scotland could see a fall in GDP by 7% in the first two years after Brexit. That would be an enormous blow to our industries and jobs and to the household incomes of the people of Scotland. To put things in context, the 2008 recession saw Scotland's GDP fall by 5.7%. This shambolic UK Government, in hock to the most extreme elements on their Benches, are doing this on purpose.

The analysis looked at only the first two years after Brexit, but the long-term effects could be sustained and long lasting. The Fraser of Allander Institute in my constituency has conducted one of the most comprehensive studies to date of the effects of migration on the UK economy. Migration is a huge issue for the financial services sector, which has much talent from around the world that needs to be able to move backwards and forwards without any difficulties. The effect of reduced migration after Brexit will lower Scotland's GDP by 9% over the next 20 years. Reduced migration is very much the intention of the Prime Minister's deal—it proposes to slash immigration by 80%. That will have a massive impact. *[Interruption.]* Government Members may sigh, but this will have a huge impact on our financial services—on the skills and talents of people coming to live and work in Scotland. The London bubble may well be fine, but as we get further away from that bubble, the impact will be greater—on Edinburgh, on Aberdeen and on Glasgow. It will mean fewer of the working-age population contributing to the economy and enriching our lives. It is an unforgivable, ideological obsession, which has no evidence to support it.

The impact of no deal is very serious indeed, and many businesses in my constituency are gravely concerned about their futures. This SI, as the Minister says, is intended to offer consistency for businesses in the event of a no-deal cliff edge. However, relying on transitional provisions such as the temporary permissions regimes offers very little in the way of reassurance for businesses. We are being encouraged to rush through significant pieces of legislation, right, left and centre, without proper scrutiny for those businesses to engage with, and the effects will be felt by nearly 60,000 businesses. It is just not possible for each of those businesses—small and large businesses and businesses of varying different

types and of varying different sectors—to have their say on this to explain exactly how it will affect them. The effects will impact them, yet they will not have the opportunity to fully engage in the process.

The hon. Member for Oxford East (Anneliese Dodds) said that the temporary permissions regimes allows companies to provide services in the UK for up to three years after 29 March. I agree very much with what she and the right hon. Member for Loughborough (Nicky Morgan) said about the consistency of this process. We are seeing so many different pieces of legislation and so many different SIs, and that is causing inconsistency, which is a worry. Some firms may find that, for one part of their business there is one date, but for another part there is another date. That will cause additional confusion.

Furthermore, businesses may well infer from these stopgap measures that the Government are expecting chaos after Brexit, and that is a position I would find it difficult to disagree with. It is no wonder that, in this context, we are seeing investment in UK businesses grinding to a halt. Ernst & Young noted that £800 billion of assets have been moved from the UK to Europe since 2016, which is absolutely terrifying.

This SI also deals with mortgages. It talks about covering contracts after Brexit, but only if they are secured on residential property in the UK. There are different measures for properties outside the UK, which means yet more complication for people to deal with. The instrument also deals with investment firms and insurance. The impact assessment says that branches of EEA banks authorised in the UK will be treated in the same way as third country branches are treated now. That is yet more red tape and more paperwork. The SI deals with consumer credit, which is, of course, hugely important to all of our constituents in their daily lives. Those are just some of the highlights of this very complex SI, and they illustrate just how much more difficult things will be than they are at the moment.

The hon. Member for Oxford East mentioned scrutiny. Part 8 of the SI covers the setting of fees by the Bank of England, the Financial Conduct Authority and the Prudential Regulation Authority. In effect, we are saying to those organisations, “Right, you go ahead and set your fees.” We will lose any idea of scrutiny over this. I am sure that those organisations will set reasonable fees, but can we be certain about that? We are giving that power to them. We are taking that power away from ourselves. There are no Brexiteers here saying, “Oh, we talked about taking back control.” Actually, we are not taking back control; we are losing any sense of control over this because we are delegating it all to those organisations. They may well have to report back, but we are still losing direct control.

The issue of familiarisation costs has been mentioned. A total of £1,900 per firm does not sound huge, but, as was mentioned earlier, it is affecting 59,200 firms, which is hugely significant. We should consider the fact that this is costing industry £110 million. This is money that industry should not have to be thinking about. Should we get to this Brexit cliff edge that the Prime Minister appears to be leading us towards, they will be spending this huge amount of money when they could have been investing it in other things, such as staff and research and development. This money is just being sucked up by Brexit, and we will be left all the poorer.

[Alison Thewliss]

Let me return now to this idea of transitional provisions. As the provisions are transitional, it means that, at some point, we will have to come back to them. All of these SIs and pieces of legislation that we have been working on and divvying up will have to be revisited. That does not fill me with any great joy; I am sure that it does not fill the Minister with any great joy. As other Members have said, we need to see the UK Government's wider plans. Where is the White Paper on financial services that will cover all of these things comprehensively, that will set out our direction of travel, and that will set out the principles of our financial services? It is hugely important to have these principles in place. In 2008, at the time of the crash, financial services lost their way. As part of the EU, we put these principles in place to get us back on track. We cannot see any dilution of those principles as we go forward, because we will end up in exactly the same disastrous place. I question the process and the legislation, but I remind the House that it is in the Prime Minister's gift to withdraw the option of a no-deal Brexit. If she did that, it would render everything that we are talking about today completely useless, but we would be in a better place.

On the substantive content, I have a point to which I would like to draw the House's attention. In a letter to the Treasury, the Financial Markets Law Committee highlighted an area of legal uncertainty arising from the textual content of the SI. Section 137R(4) of the Financial Services and Markets Act 2000 grants the FCA the power to make rules applying to authorised persons in relation to communications by or approved by them if it considers that such rules are required to ensure compliance with certain "listed requirements". The legislation goes on to explain that "listed requirements" means requirements under the law of the UK that appear to the FCA to correspond to the requirements of various EU legislation.

This definition leaves considerable scope for interpretation. I have raised in this House and in Committee my concerns about the nature of the withdrawal Act and the erosion of parliamentary scrutiny that it brings. It does appear that we are handing an awful lot of latitude to a public body in this example cited by the FMLC. It recommends that a more specific list, such as that included in the original drafting, would be more useful, albeit altered to reflect UK legislation. If we are to be in this position facing a no-deal Brexit, despite all evidence showing the damage that that will cause, we need to have more robust and more detailed plans in place.

Fundamentally, everybody in this House knows the position of the Scottish National party. In Scotland, we voted to remain in the EU. We have worked very hard on building up our financial services sector in Scotland. It is an important, high-skill and high-pay sector, which drives many of our towns and cities. To face the prospect of crashing out without a deal is an absolutely appalling situation. Everybody working in this sector deserves better than the plans that the Prime Minister has put forward and they certainly deserve better than a no deal, and she should take that off the table.

6.18 pm

John Glen: It is a pleasure to respond to the hon. Member for Oxford East (Anneliese Dodds), my right hon. Friend the Member for Loughborough (Nicky Morgan)

and the hon. Member for Glasgow Central (Alison Thewliss). By the end of this process, we will have discussed 53 SIs for the financial services in 30 discrete debates. In each one of them, there are some common themes to the remarks. I appreciate that this is not a desirable process to go through, but it is a unique process. It is a process that we have responsibility for at this time, but I hope that we will not need to use or to rely on its outcomes. None the less, this SI is needed to ensure that we do have a robust and functioning legislative framework for financial services regulation after exit. I am determined that I will, to the best of my ability as a junior Treasury Minister, deliver this programme of SIs.

Hon. Members have raised a number of specific points, which I will now address. The hon. Member for Oxford East asked why we have chosen to transfer powers to the FCA. This is consistent with our overall approach to onshoring. Only existing EU functions are being transferred to UK regulators, apart from the temporary transitional tool. I have written to the hon. Lady with a full explanation of the consolidated text, and I will send that explanation to her shortly in addition to the other replies that I have given to her.

In response to the point made by my right hon. Friend the Member for Loughborough, in practice there is a logistical challenge in putting everything together, conducting multiple streams of consultations simultaneously and delivering in each discrete area what is required as a fix for the undesirable outcome of no deal. Despite the enormous effort by my officials in the Treasury to get this right, it would have been very challenging to set out the architecture proactively from the outset. This FSMA SI makes many consequential amendments that were needed to follow on from previous SIs, which is why it was set out late. How the FCA will use these powers will be set out later this week, providing a lot more clarity on that matter.

The hon. Member for Oxford East asked about insurance business transfer. We consulted the insurance sector on these business transfer transitionals, and it confirmed that this was the right approach and helped to develop the provisions. We have worked collaboratively with different industry sector representatives throughout.

The hon. Member for Glasgow Central raised a specific legal point—a dispute about the wording. I will have to look at the matter and write to her. In the round, we have used TheCityUK as a convening trade association to bring relevant bodies together, and it has been very thorough in its work. The regulators are already consulting the industry, and firms have responded positively. The regulators, including the Prudential Regulation Authority, will shortly be setting out the outcome of those consultations. I think that I have covered the point raised about the consolidated Bill.

I acknowledge that FSMA is an important part of the UK's framework for financial services regulation, but amending FSMA using secondary legislation is standard and happens several times a year. I accept the remarks of the hon. Member for Glasgow Central concerning the unusual nature of this—it is necessarily so because of what we are trying to do to prepare for a no-deal situation—but EU directives have been implemented using secondary legislation since the UK joined the EU. For financial services, that has often involved amending FSMA. Parliament approved the secondary legislation powers in FSMA itself to task the

Treasury with keeping the FSMA regime up to date, such as the power to amend the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001.

Let me turn to the points made by my right hon. Friend the Member for Loughborough, who chairs the Treasury Committee. I welcome the opportunity to be scrutinised many times by her Select Committee. Regarding the methodology for calculating the familiarisation costs, there is a cross-governmental set of guidance from the Cabinet Office, but I will write to my right hon. Friend with specific details. Clearly, the cost per word varies but we have a method for describing that across Government, and we have used that method. We have drawn on the better regulation guidance and we have consulted on the impact assessment across Government.

My right hon. Friend asked whether the Government will provide regulators with powers to make the commencement of cliff-edge risks consistent. This is exactly what the temporary transitional power is for: the regulators will be able to phase in the vast majority of changes consistently. I said before the Select Committee that it would be important to lay any directions in the House of Commons Library and the House of Lords Library, and that I would ensure that the Treasury Committee was notified.

The hon. Member for Oxford East mentioned the point made by Lord Lexden. Lord Lexden used to work with me at the Conservative Research Department, and he was always very good at picking out errors. I shall look carefully at his remarks and see whether there is an appropriate response.

The hon. Member for Glasgow Central raised the issue of charging fees and the powers given to the regulator. The fee-setting powers and controls in this instrument reflect the existing powers that the regulators have in legislation. There is no meaningful change in the powers; the extension is consistent with the current role of the regulators. The hon. Lady also asked why the House has not been given enough time properly to scrutinise this legislation. I respectfully say that we have done as much as we can in the time available. We have engaged constructively with firms and we published these SIs well in advance of laying them before the House. It has been a significant iterative process. I do not describe it as a perfect process, but it has been quite thorough.

Overall, this SI will ensure that we have the necessary functions and powers in the Treasury and in our regulators in the event that the UK leaves the EU without a deal or

an implementation period. This has been a tough process. I pay tribute to my opposite numbers on the Opposition Front Benches.

Joseph Johnson (Orpington) (Con): I recognise that my hon. Friend is doing valiant work, but does he acknowledge that this process of moving to a new regime is proving extremely unsettling for players in the financial services sector? A recent report by Ernst & Young estimates that £800 billion-worth of assets and people have moved to other jurisdictions since the referendum as a consequence of our decision to move to a precarious, patchy and one-sided regime of equivalence that is a very poor substitute for our current system of passporting. What assessment has he made of news from the Amsterdam regulator last week that it is boosting the resources of the Dutch Authority for the Financial Markets by 10% to cope with the additional work that it is receiving as a result of our painful decisions?

John Glen: The process that we have gone through with these no-deal SIs has been as thorough as possible in the circumstances. My hon. Friend is making a wider point about the desirability of being in this situation and the need actually to secure deal. During the implementation period, we will have maximum opportunity to determine the method for securing equivalence, which we envisage would be by June next year. I recognise that there is uncertainty, but despite some pretty grim suggestions over what would happen with jobs, the City of London is resilient. Although it has made contingency arrangements, as would be expected, we have not seen large numbers of jobs drain away from the City as some would have anticipated. We need to secure the deal and then work through the issues with regard to the implementation period.

I pay tribute to the work of the hon. Members for Oxford East and for Glasgow Central, and the scrutiny of the Select Committee, throughout this process. I know that we still have a number of SI debates to go, with two on Wednesday and several more next week, but I hope that I have explained the rationale for this particular SI and that the House will be able to support these regulations.

Question put and agreed to.

Resolved,

That the draft Financial Services and Markets Act 2000 (Amendment) (EU Exit) Regulations 2019, which were laid before this House on 31 January, be approved.

Exiting the European Union (Consumer Protection)

6.28 pm

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Dr Thérèse Coffey): I beg to move,

That the draft REACH etc. (Amendment etc.) (EU Exit) Regulations 2019, which were laid before this House on 5 February, be approved.

Madam Deputy Speaker, have you ever considered what life was like before you became a Member of Parliament? Well, I never had a dream come true until I was elected to Parliament, but if I take myself back to when I was at high school, I have to admit that my love of chemistry started when I was very young. I was very much inspired by colours, and it was only through chemicals that we had colours—whether it was the colour blue or a range of colours that appealed to us all. This got me excited in chemistry. Moving on a little bit further, I eventually ended up doing a PhD in chemistry. Little did I know that 30 years later, I would be here putting regulations in place.

Why do chemicals matter? Chemicals matter because they are not only part of our second-biggest manufacturing industry but critical to so many of the elements that we have around us, whether in the oil in people's watches, in paint, or in the different chemicals that are applied not only in pharmaceuticals but in a wide variety of things that we just take for granted. They are even a key part of fireworks, because without chemicals—the inorganic chemicals, in particular—we would not get the wide range of colours. I do not know if you were here, Madam Deputy Speaker, on the night when we had chemicals in fireworks being exploded above Big Ben—that special evening when we were going to reach for the stars, but fortunately did not bring the House down.

Caroline Lucas (Brighton, Pavilion) (Green) *rose*—

Dr Coffey: I will happily give way and then bring my speech back to the SI.

Caroline Lucas: I was rather hoping that the Minister might do that, because something incredibly important is at stake here. At a recent meeting of the Environmental Audit Committee, we had before us the Chemicals Industry Association, which said:

“No deal would essentially mean, if I can put it lightly, catastrophic effects on the chemical industry here in the UK.”

Does she agree with that assessment, and will she do her very best, then, to rule out no deal?

Dr Coffey: No, I do not agree with that assessment. Nevertheless, this SI is not about whether we have a deal or not—it is about having an effective regulatory system. It is not about changing policy or trying to make it stronger—it is about trying to make sure that we can have something that works and continues to work in future.

In line with the European Union (Withdrawal) Act 2018, these regulations simply make technical and legal amendments, including transitional arrangements, to maintain the effectiveness and continuity of UK legislation that would otherwise be left significantly inoperable, so that the law as today will continue to function legally following our exit from the EU. I recognise that the

statutory instrument is long and makes many adjustments, but I can assure the House that they represent no changes of policy.

Mary Creagh (Wakefield) (Lab): The truth is that the statutory instrument will not be able simply to cut and paste the REACH database into UK law. We cannot cut and paste the chemicals framework established by the EU into UK law because it regulates, evaluates and authorises chemicals, and that is significantly different. That is why the Minister is asking this House to establish a UK chemicals database and asking the UK industry to make significant contributions towards that. That is the case, is it not?

Dr Coffey: That is right. These regulations will apply to the whole of the United Kingdom, with the exception of paragraph 1 of schedule 11, which makes amendments to existing domestic legislation regarding the disposal of polychlorinated biphenyls that, in the current regulations I referred to, extends only to England and Wales. This Government, and this country, have to be ready for the prospect of not being part of ECHA—the European Chemicals Agency—in future, and we therefore need to put in place the regulatory framework that means we will continue to have a safe chemicals industry in future.

Norman Lamb (North Norfolk) (LD): The Minister will be aware, I am sure, of the concern that has been expressed by Rolls-Royce, and others, that the SI does not take account of all the scenarios. It mentions, in particular, an application for EU authorisation submitted by a European economic area entity for which a decision has not yet been made and on which a UK downstream user is dependent. Its concern is that post 29 March, in the event of a no-deal exit, UK companies could be left without a proper authorisation, putting many of them in an incredibly difficult position.

Dr Coffey: Actually, I am not aware of the reference to that by Rolls-Royce. Yes, we do need, in effect, to replicate the database, and that is what part of these regulations establishes. However, I want to make it clear to the House that CEFIC—the European Chemical Industry Council—and the Chemical Industries Association in the UK have made a joint statement to their members that the contracts that currently exist between consortiums should be amended so that information or data is available both for REACH and for UK REACH in future. None of the consortiums can force their members to do that, but I believe that it is in their best interests to make sure that the data and information required is available to both chemicals regulation systems.

As I said, the regulations apply to the whole of the United Kingdom. This Government and the devolved Administrations have worked together closely on these regulations and have agreed that a UK-wide REACH system will mean a coherent UK market backed by consistent policies and chemical management. The devolved Administrations have been involved in the drafting of the SI and have given their consent. That includes the Labour-run Welsh Government and the SNP-run Scottish Government. Indeed, this was also scrutinised by the Scottish Parliament, which also gave its consent.

Mary Creagh: A little earlier, the Minister talked about a section—forgive me, but I do not have the exact number—relating to the disposal of PCBs. Is she saying

that different regulations will apply in Scotland and Northern Ireland, and, if so, will they be to higher or lower standards, or the same?

Dr Coffey: I am saying that, as it stands today, chemicals regulation is a devolved matter in how Governments can apply these things. We have a particular regulation that currently applies only to England and Wales. The Scottish and other Administrations will have made their own applications in legislation for that. That is why this is the only bit of the entire statutory instrument that does not apply to the whole of the United Kingdom.

John Redwood (Wokingham) (Con): Will the Minister confirm that there will be absolutely no reduction in safety standards—because we all want high safety standards—and does she recall that when REACH first came in, quite a lot of industry voices said that it was more bureaucratic and more expensive but no safer?

Dr Coffey: The costs are still going to be significant for administering our own chemicals system in future, but I can assure my right hon. Friend that the safety standards will be consistent and, indeed, we will continue to learn from ECHA in future. As he will be aware, in the future economic relationship that has been put forward through the political declaration, and in ongoing statements by my right hon. Friend the Prime Minister, we would seek to become an associate member of ECHA in future to share these things in order to try to reduce or mitigate some of the challenges that people like Rolls-Royce are anticipating. But that is not yet an agreed matter, and it is important that the Government set before the House appropriate regulations to make sure that we have that continued safety of chemicals.

Before I explain the provisions further set out in the SI, I want to emphasise that we are absolutely keeping the fundamental approach of REACH, with its aims of ensuring a high level of protection of human health and the environment, as well as enhancing innovation and competitiveness. The building blocks of REACH will all remain: industry's primary duty to understand the hazards and risks of chemicals and to ensure safe use, all tied to the principle of no data, no market; registration by industry of the chemicals it produces and places on the market; dossier evaluation by the regulator of at least 5% of registration dossiers to check compliance and quality, exactly as ECHA is expected to do today; and substance evaluation, which is investigation by the regulator of outstanding concerns about a chemical often leading to a requirement on industry to fill the knowledge gaps. The UK has been responsible, through ECHA, for making sure that there have been 24 evaluations—for example, of the chemical climbazole, which is used in anti-dandruff shampoos but is suspected of causing feminisation in fish. Then there is the authorisation process that forces industry to apply for and justify continued use of substances of very high concern. Finally, there is restriction of the most dangerous chemicals where unacceptable risks remain.

On the definition of duty holders, article 3 of schedule 1 of the statutory instrument changes the definitions of the various industry duty holders so that they refer to the United Kingdom rather than the European Union. Obviously, this is a simple change, but essential. Without it, UK industry would have no duty to ensure the safe use of the chemicals it produces and uses.

UK REACH will continue with an independent regulatory agency to carry out a central role with a range of technical, scientific and administrative functions—the role that is currently carried out by ECHA. The statutory instrument allocates this role to the Health and Safety Executive under article 2A of schedule 1. The HSE will receive industry's registrations of chemicals. It will make many technical decisions itself—for example, in dossier and substance evaluations, as well as in scrutinising authorisation applications and making scientific recommendations on restrictions. This builds on the HSE's existing activities as the UK competent authority for REACH. At the same time, the Environment Agency and the devolved environmental regulators will have the role of providing the advice that the HSE will need on environmental matters, as set out in article 2B of schedule 1.

The HSE, as the UK agency, must also draw on independent expert scientific advice when developing its opinions on restrictions and authorisations. This will add to the robust evidence and analysis underpinning its opinions. We expect the HSE to obtain external advice, but there may sometimes be reasons why it does not feel it needs to do so, such as where ECHA has already published a robust opinion on a chemical. In such cases, where the HSE decides not to take further scientific advice, it must publish its justification, as set out in article 77. Finally, appeals against the HSE's decisions will be heard by an independent body, the first-tier tribunal, as set out in article 91.

Dr Matthew Offord (Hendon) (Con): The Minister will be aware that I have some concern about the REACH regulations after we leave the European Union, but I am aware that we are talking about the statutory instrument and how it affects the United Kingdom leaving the European Union. She said in response to one of my written parliamentary questions that she wishes to have associate membership of REACH. Although I am not convinced that can actually happen, can she provide me with some kind of reassurance that the Environment Agency currently has the capability to ensure that compliance will continue after we leave the European Union?

Dr Coffey: I am conscious of my hon. Friend's desire to have an ongoing relationship with ECHA. As I have already set out, that is the Government's desire, too. The Environment Agency is recruiting an extra 100 staff, and the HSE will be taking on an extra 35 to 40 people to help fulfil the functions it already undertakes today. My understanding is that we have estimated the future cost of running UK REACH to be about £13 million a year. By way of comparison, ECHA itself costs about £80 million a year to look after 28 member states. That is why we believe that we are putting in the necessary resource to make sure that the HSE, the EA and, indeed, other regulators are able to play their part.

Alex Cunningham (Stockton North) (Lab): I am not terribly sure that the Minister has reassured the hon. Member for Hendon (Dr Offord). I want to know how we will ensure that the British regime will actually parallel the regulations and approvals of Europe so that we can have the trading arrangements that are critical to areas like mine on Teesside.

Dr Coffey: As I said, we are recruiting staff to undertake additional elements, but it will be open to the regulator to take advice from where it likes, whether that is from ECHA, from within the UK—we should remember that, in many cases, UK scientists are the people giving advice to ECHA—or, indeed, from further afield. We will not be restricting the regulator's consideration, but it matters that we have an operational scenario for chemicals regulation. The House can be assured that we will continue to have a safe chemicals industry in the future.

Mary Creagh: The Minister will be aware that my Committee, the Environmental Audit Committee, held an evidence session in December 2018, subsequent to our report published in 2017, in which we heard from Elizabeth Shepherd, a partner at Eversheds Sutherland. She is one of the UK's leading experts in chemical regulation, and she said:

"The UK regulator, HSE, is no longer involved in the evaluation of substances. HSE has, to date, played a very active part in evaluating chemicals... the chemicals that were assigned to HSE for the 2018-19 period have been moved away from the UK already to other evaluating authorities. Businesses are concerned that they will lose the insight that participation gave them and the opportunity to influence the shape of regulation."

We are losing our influence, are we not?

Dr Coffey: I do not think we are losing our influence. The measure was taken by ECHA after the people of the United Kingdom voted to leave the European Union. Currently, a country can only be a member of ECHA by being a member state of the European Union, so this is forward planning. Some of these assessments can take time to go through the ECHA process, and therefore, given that the HSE would not be a relevant authority for future ECHA authorisations, I would not want to criticise ECHA for having made that decision. Meanwhile, the HSE has the competence, and it has started recruiting people to undertake the different activities it will need to do.

I will now move on to decision making and working with the devolved Administrations. Just as the HSE inherits the role and functions of ECHA, the responsibilities of the European Commission will pass to the Secretary of State. For example, the Secretary of State will make decisions to authorise the use of a substance of very high concern or to restrict chemicals on the basis of an opinion from the HSE, as covered by articles 60 and 73.

REACH also covers devolved matters such as environmental protection. For that reason, the Secretary of State must act with the consent of the devolved Administrations where a decision relates to an area of devolved competence, as set out in proposed new article 4A in schedule 1. A safeguard clause allows the devolved Administrations, and indeed the Secretary of State, to take urgent action where it is needed to protect human health or the environment. This must then be followed up with the normal restriction process to see whether there should be a UK-wide control, as set out in article 129.

On transferring existing UK registrants into the UK REACH system, the regulations contain a range of transitional provisions to provide legal continuity to business and to protect supply chains. All registrations held by UK companies will be automatically transferred, often known as "grandfathered," to the UK REACH

system at the point of exit, as set out by proposed new article 127A in schedule 2, which means there will be no break in their access to the UK market.

Companies will need to provide the HSE with information to support their registrations in two phases: initial information within 120 days and the full information within two years. That is set out in proposed new article 127B in schedule 2.

Caroline Lucas: I have been reading worrying material. It is concerning that a civil servant recently confirmed that the IT system on which all of this will be based will not be fully functioning by exit day. Can the Minister confirm that it will? How do we know that the HSE has enough staff? There have recently been big cutbacks in HSE staffing. Are more staff being recruited for the HSE?

Dr Coffey: The Department for Environment, Food and Rural Affairs effectively contracts with the HSE to provide the necessary staff. The HSE covers a wide range of activities right across Government, particularly on safety at work.

The IT system is still being tested. I will be candid with the House that we will make a call this week on whether the system is ready to go live, or whether we will have to do our contingency plan of companies providing that information to us. I do not have an answer ready, because the assessment has not yet been made. In essence, the Government will still have the information they require to run a safe chemicals system. As I say, the decision will be made at the end of this week on whether companies or the Government will upload the information.

Caroline Lucas: Will the Minister give way?

Dr Coffey: No, I do not need to give way on that point.

One way or another, the Government will have the information they need to ensure that we have a safe system.

As my right hon. Friend the Member for Wokingham (John Redwood) set out, REACH places a registration duty on importers of chemicals. This will be new for companies that import from the EU or the European economic area, as they are currently covered by their supplier's registration. That is why we are giving them a two-year grace period, which will give them time to adapt and will protect supply chains. In the meantime, they must send information to the agency within 180 days to provide assurance that they know how to manage the chemicals safely—that is set out in proposed new article 127E in schedule 2. We will keep both two-year deadlines, for grandfathering and for downstream user registrations, under review.

Dr Offord *rose—*

Mary Creagh *rose—*

Dr Coffey: I would like to bring this to a close fairly soon, because I am conscious that some Members have put in to speak, as would normally be the case rather than the Minister taking interventions.

Dr Offord: I am grateful to the Minister for taking interventions, which we are seeking to make because we have specific questions on which she can provide us

with advice. Is it the Government's intention, post-Brexit, to update regulations in compliance with REACH to ensure that the two systems work side by side?

Dr Coffey: In effect it will be for the HSE, as the regulator, to make decisions on each level of the process. I have no reason to doubt that the HSE and ECHA will have similar principles in how they go about this. We are not seeking a change in any policy to move away from the REACH process.

It is fair to say that the UK has been trying to get some chemicals restricted much more quickly than ECHA and other EU member states have sought, so there may be opportunities to move more quickly on some of these matters. Again, it will be a judgment call for the HSE on whether to make that recommendation to the Secretary of State.

As for stakeholders, we held a series of informal briefings last summer at which we outlined the proposed regulatory approach, and representatives from the chemicals sector and beyond and other stakeholders, including non-governmental organisations and scientific societies, came to those briefings. Since then, we published a technical notice in September and additional guidance in December and continued with more stakeholder engagement to explain in detail what UK REACH is and what it means for industry. The House will also be aware that I invited MPs, particularly those with chemicals companies in their constituency, to attend briefings.

I recognise the concerns about why businesses have to submit data to the HSE when they have previously registered with ECHA and the potential costs involved. Such concerns were also expressed in the report by the Secondary Legislation Scrutiny Committee in the other place. As the Government said in the White Paper, we want a strong deal under which the UK will continue to participate fully in EU REACH and the work of the ECHA. The impact assessment considered the question of data in detail, and the Regulatory Policy Committee stated that the assessment used a proportionate level of evidence to support estimates of the impacts, including impacts on business. We should not expect a repeat of the costs of complying with EU REACH. For example, businesses that have already invested in putting together the EU registration dossier will not face administration costs again.

To be clear about the importance of information. The "no data, no market" principle is fundamental to REACH, and we will not weaken that in any way. It underpins effective chemicals management by both industry and the regulator. We cannot rely on the fact that such data has already been sent to ECHA. It is simply not correct to say that a chemical is deemed to be safe once it has been registered under EU REACH. Registration is how a company shows its understanding of the hazards and how to control the risks, but it does not mean that ECHA and other regulators have approved that chemical or endorsed it as safe.

ECHA will not evaluate the UK dossiers that it received for the June 2018 deadline. ECHA has also stated that, in the majority of dossiers it opens for evaluation, it needs to follow up with requests for important safety information on chemicals, meaning that the company's safety measures may also not be adequate. Only the UK agency will be able to provide the assurance that chemicals are safely managed in

the UK. To give a sense of scale, we will be grandfathering over 12,000 registrations into UK REACH—35% of them from 2018—representing 5,700 chemicals. Looking forward, we would then expect 50 to 100 new chemicals to be registered each year. We have much less understanding of how many notifications there will be for chemicals imported from the EU, because there is currently no duty to report that information in most cases. That emphasises the importance of the notification process so that we know what chemicals are being used in the UK.

REACH is one of the largest and most complex pieces of EU legislation and Members and others have rightly wondered how we would transfer it into UK law. I am confident that the provisions in these regulations mean that we will continue to ensure the highest levels of protection for human health and the environment, based on robust evidence and strong scientific analysis.

John Redwood: Maybe I can help the Minister. Is it not the case that the Intrastat declarations provide the necessary information about the current trade in European chemicals?

Dr Coffey: I do not know the answer to that, but I will share the suggestion with my officials, some of whom are conveniently in the Box.

I want to assure right hon. and hon. Members that we are taking steps to provide the industry with the legal certainty it needs to operate and to preserve the supply chains for the chemicals on which we all depend.

6.53 pm

Sue Hayman (Workington) (Lab): Labour believes that this statutory instrument needs urgent modification to avoid disruption to UK businesses in the event of a no-deal Brexit. It shows insufficient understanding of how chemicals are actually managed in complex supply chains, and is therefore unworkable and will unnecessarily create supply disruption issues for UK businesses. Labour believes that continued participation in REACH is the surest way to avoid extra costs and burdens for business, to save jobs and to protect animal welfare, health and safety, and the environment.

The value of the UK chemicals industry cannot be overstated. The sector directly employs 88,000 people, and the industry is worth £6.4 billion to the UK economy every year. It is vital in the supply chain to many other sectors including automotives, pharmaceuticals and aerospace, as well as the production of everyday items such as cleaning products, clothes, and electronics. It is therefore extremely disappointing that we have only been given half a sitting day's notice of this SI. It represents the second iteration that the Government have published, yet it does little to address the concerns with the first version. The Secondary Legislation Scrutiny Committee said of this re-laid SI that it remains

"concerned that the Department has provided insufficient information on the possible impact of the proposed changes".

Given the concerns expressed by the Committee, industry, environmental and animal welfare groups and the Opposition, does the Minister agree that the prudent thing would be to take this SI back to the drawing board?

I am particularly worried because I am told that the Health and Safety Executive lacks the capacity, resource, experience and expertise in such a complex field to

[Sue Hayman]

carry out the functions that the Government propose to transfer from the European Chemicals Agency. As with so many public sector organisations, the HSE has suffered brutal cutbacks. Between 2010 and 2017, its budget was cut by 40%, so why does the SI contain confirmation of its funding? Will the Minister confirm today that funding and resources will be available to the HSE and the Environment Agency for them to perform the proposed duties outlined?

The SI also removes layers of supporting committees at EU level that help to ensure that decisions are based on the best scientific advice and that there is proper scrutiny and oversight. Those committees allow stakeholders from industry, non-governmental organisations and trade unions to collaborate in informing decisions and to ensure balance. In the SI, that is replaced with a duty for the HSE to seek external advice, but no formal committees of experts and stakeholders are being proposed to review and scrutinise the scientific knowledge relating to chemicals.

Furthermore, the SI establishes that the Secretary of State for Environment, Food and Rural Affairs will make final decisions relating to the status of particular chemicals, whereas the European Commission makes them at EU level. Although we hope it is unlikely that a Secretary of State will diverge from HSE recommendations, they are not explicitly prevented from so doing. We know that the current Secretary of State is notoriously no fan of experts, but he may have gone too far in asking us to grant him powers to override recommendations from the HSE.

As my hon. Friend the Member for Wakefield (Mary Creagh) said, the Government initially said that they could cut and paste data from the REACH database. However, there seems to have been a significant rowing back from that, with current guidance indicating that companies will provide all the data. As the Minister will no doubt be aware, in order to have copied data from the REACH database, the UK would have needed a licence from the European Chemicals Agency. Will the Minister confirm what progress she and Government colleagues have made in acquiring permission to access the REACH database after 29 March?

Many UK-based companies do not own or have sufficient rights to use the data needed for registration, for a variety of complex reasons, including the fact that many REACH registration dossiers have been developed and submitted by consortia of companies under a joint submission agreement with specific and restricted access rights. A survey of 38 companies by the Chemical Industries Association found that 75% of them do not own the data that would be required for them to register chemicals under UK REACH. Does the Minister recognise that meeting the two-year registration deadline is an almost impossible and extremely costly task for many companies? The hon. Member for Brighton, Pavilion (Caroline Lucas) asked about the current status of the IT provisions, and I was unconvinced by the Minister's response that they will be ready and fit for purpose on exit day.

After Brexit, companies registered with REACH will no longer be able to sell into the EEA market without transferring their registrations to an EEA-based organisation. How many companies have taken such

action to date, and what support has the Department for Environment, Food and Rural Affairs provided to them? Given the likelihood that companies will have to duplicate tests already conducted if the Secretary of State cannot agree access to information in the REACH database, there is a real risk that animal tests would have to be reconducted. In evidence to the Lords EU Energy and Environment Sub-Committee, the Minister refused to rule out the idea that a UK REACH system would not lead to more animal testing.

John Redwood: Surely global companies are used to selling into a variety of jurisdictions with different regulatory requirements, and each company has a body of intellectual property that it owns and sends to the appropriate regulator. I do not see any need to duplicate the work if that is already there. If a company wants to sell into the UK, it will share that with the UK authority.

Sue Hayman: I am afraid that that is not the information I have been given. As I said, the Minister did not rule that out to the Lords Committee, and when I went to Brussels to visit the REACH team, they confirmed that they believed this would be the case. Will the Minister categorically confirm whether these proposals have the potential to lead to further animal testing?

Mary Creagh: My hon. Friend has triggered a memory that I thought I had buried. On the animal testing point, when our Committee held an update hearing in December, one concern raised was about where the intellectual property that UK companies have submitted into the REACH database lives. There was a great deal of concern that the Minister's reassurances that companies could just go and get that intellectual property, which they have paid for and registered, out of the database is problematic, because it is now owned by REACH, and once the UK leaves, we ironically will not have access to our own intellectual property. Does that not show the complete misunderstanding of the right hon. Member for Wokingham (John Redwood) of how the world trades in chemicals, on which REACH sets the global standard?

Sue Hayman: I thank my hon. Friend for making that important point, and I will be interested to hear the Minister's response.

If we voted to pass this SI, we would be voting for legislation that is likely to increase animal suffering through duplicate testing. It would also mean that critical decisions on chemicals were made by a body with little experience and layers of accountability and scientific expertise stripped away. Greener UK has said:

"As currently drafted, the chemicals SI significantly weakens the regulation of chemicals, including those with links to cancer and hormone disruption."

How can we responsibly let this secondary legislation pass, in the light of these serious and grave reservations? Does the Minister recognise those risks, and can she guarantee that British people will continue to receive the same health and safety and environmental benefits that we currently do as a member of REACH?

In a no-deal Brexit scenario, we would become a third party to REACH on 29 March, with all existing REACH registrations and authorisations held by UK companies becoming immediately invalid. Companies

wanting to continue to export into the EU would need to transfer their registrations to EU-based companies or rely on their customers making importer registrations.

Mr Jim Cunningham (Coventry South) (Lab): My hon. Friend is making a good and interesting point. This issue does not only cover products and the environment. We have industries that use very dangerous chemicals, to say the least. It is important that we have the highest standards, if for nothing else than to protect people's rights at work. Does she agree?

Sue Hayman: I completely agree. In fact, representatives of trade unions have made exactly that point to me, and they have deep concerns about this.

Companies wanting to transfer their registrations would potentially need customers to make importer registrations. That could lead to serious ramifications down the supply chain and interruptions to the many billions of pounds' worth of trade between the UK and EU.

Mary Creagh: I thank my hon. Friend for giving way; she is making an excellent speech and being very generous with her time. I wanted to intervene on the Minister on the issue of grandfathering rights. Is not the truth that British companies are now in an invidious position where, if they want to keep trading with the EU after exit day, whenever that may come—goodness knows what will happen in the next 48 hours, let alone the next five weeks—they will have to transfer their registrations to an affiliate in the EU? How can they then grandfather those rights into the UK's chemical regulation system when they have given them away in the European Union?

Sue Hayman: Once again, my hon. Friend makes an extremely important point. Of course, we also need to look at the huge costs to companies of these actions. The problems and difficulties that will be caused are not short-term but long-term.

Does the Minister acknowledge that a no-deal outcome brings with it huge risks to industry, jobs and our environment? Due to the numerous deficits and risks posed, we will be voting against this SI and would encourage Members across the House to do the same in good conscience.

7.5 pm

Patricia Gibson (North Ayrshire and Arran) (SNP): This statutory instrument seeks to ensure a high level of protection for human health and the environment, including the promotion of alternative methods for assessing the hazards of substances, as well as the free circulation of substances, while enhancing competitiveness and innovation. Of course, it is necessary that the European Union regulation concerning the registration, evaluation, authorisation and restriction of chemicals, which took more than 14 years to develop, continues to work effectively in the UK. This statutory instrument will give the UK an independent capability to control the manufacture and import of chemicals into the UK and to understand the hazards and manage the risks connected to their manufacture and use.

However, as we have heard today, this is not a straightforward undertaking. Under the UK proposals, all transferring UK registrants need to submit registration

data to the UK agency for a two-stage process potentially lasting up to two years. The Minister saying, 30-odd days from the Brexit date with no deal looming large, that staff are being recruited and that they are waiting to see if IT systems can go live is not particularly reassuring, given the complexity of this undertaking.

All of this underlines that the regulation and supply of chemicals is yet another of the long list of areas of huge complexity in the Brexit process, and we can see that, prior to Brexit, those writing things on the sides of buses gave no thought to such complexities. As the Minister has pointed out, chemicals are woven into the very fabric of our daily lives. These last-minute statutory instruments are a desperate attempt to cover up the lack of forethought given to the complexities of Brexit. If the Prime Minister could assure us that she would simply not countenance a no-deal situation due to the damage it would cause across the UK, we would not have last-minute scrambling to deal with matters of such profound importance as those covered by this statutory instrument.

A report released on 7 February by the House of Lords Secondary Legislation Scrutiny Committee raised significant concerns about the draft regulations. It found insufficient information on the expected impact, with no financial analysis of the potential costs to the chemicals industry, particularly in relation to the cost of obtaining data needed to register a chemical with UK REACH and the prospect of initial compliance possibly doubling. The Committee also raised concerns about the ability of UK companies to maintain access to the EU market unless they move their registrations to an EU member state.

It recently emerged that the threat of a no-deal Brexit has already prompted more than 50 chemicals companies to move regulatory approvals from the UK to the EU. The companies, which have operations in the UK, have applied to use EU regulators for critical authorisations to protect their ability to do business legally. Their current authorisations would become worthless if there were no transition arrangement following 29 March—the current Brexit date—according to data provided to *The Guardian* by the European Commission. That matters because this industry is worth billions of pounds.

Chemicals registration is one of the main areas in which the National Audit Office has found that the Department for Environment, Food and Rural Affairs is wholly unprepared, and there is a risk of disruption to the UK's chemical manufacturing industry that DEFRA simply cannot address on its own. A negotiated settlement would permit UK chemical manufacturers to export their products to the EU, but without a deal that will not be possible as the registration of products with the EU will cease to be recognised by the EU. In a no-deal scenario, UK chemical manufacturers would no longer be able to export their products to other member states. Recovering market access would be a lengthy process, and it cannot even be started until the UK leaves the EU.

Yet again, we are seeing more complex Brexit aspects for industry that this Government are seeking to scramble to deal with at the last moment. It honestly looks to me as though the Government are acting like an errant pupil who, having forgotten to do their homework, is trying to complete it on the bus on the way to school. This is not good enough. We need a proper extension of

[Patricia Gibson]

article 50 to give this House the proper time to deal with the chaos into which we have been plunged by those who have taken us to the abyss with Brexit, ignoring electoral law to buy the referendum result they wanted and now, having fled the scene, leaving others to deal with the horror left behind. That is why we need, at the very least, an extension of article 50, instead of this House being threatened with a terrible deal or no deal at all.

The matter before us is important and extremely complex, and it should not be dealt with in a short debate on a statutory instrument like some kind of footnote. Yet sadly, this has become the new normal, as a collective madness seems to have gripped too many Members of this House. While I understand that what the Government are doing today is necessary, this is a most unsatisfactory process.

7.11 pm

Mary Creagh (Wakefield) (Lab): It is a pleasure to follow the hon. Member for North Ayrshire and Arran (Patricia Gibson). I was getting my speech together as I was listening to what she said.

This is of course a very important sector for the UK economy. As the Minister said, REACH regulates not just chemicals but products—everything from the coating on a frying pan to the flame retardants in carpets and sofas, which my Environmental Audit Committee will be looking at very soon—and it is vital in the protection of human health. However, it is also a single market mechanism to ensure the free movement of chemicals across the EU and to enhance innovation in the EU chemicals market.

What British companies are asking themselves, as they look at this statutory instrument, is: what is to stop my EU customers going somewhere else? The answer in this statutory instrument is nothing. We are putting more costs on UK businesses, we are rendering them uncompetitive in the EU market and we are allowing the burden of excess regulation to fall on them both in this country and in their export markets.

What are companies doing in response to that? Many of them have already left. There has been an exodus of small chemical companies. Someone told me that a small mosquito repellent company—obviously, mosquito repellent is a very seasonal product—was concerned about what would happen to its business in the UK, making products predominantly for the EU market. It has shut down its factory, which I think was based in Gloucestershire, and has moved it to Italy. Quietly, it has moved tens of jobs and a manufacturing company out of this country.

REACH regulates about 30,000 substances bought and sold in the EU's markets, and 60% of the UK chemicals industry's exports go to the EU. This is our second largest export to the EU after cars. We have seen in the car industry—with Honda's announcement last week, as with Jaguar Land Rover and Nissan—just how important access to the EU single market is for our automotive industry, as it is for the parts that go into those cars. Of course, chemicals—chromium in particular—are absolutely vital to the automotive and aerospace industry.

We export almost £15 billion-worth of chemicals a year to the EU, and all our businesses have to comply with REACH. So far, companies have made more than 12,000 registrations. The Environmental Audit Committee looked at this back in April 2017, and we have seen this problem coming at us down the track for the past two and a half years. We heard that UK businesses had at that point spent about £250 million on registration. Since then, there has been another registration deadline, in May 2018, for smaller volumes of substances. The estimate now is that about £600 million of UK companies' money has been spent registering chemicals with the European Chemicals Agency up to last May.

What happens to those sunk costs? What is happening is that those companies now only have their own representative in the EU up to 1 April. As I mentioned to the shadow Secretary of State, my hon. Friend the Member for Workington (Sue Hayman), they will not have registrations if they have handed them over. They are in the very difficult position of not knowing what to do in the next four to six weeks, and I do not think these difficulties can be overstated.

The Minister has said that she is going to spend £13 million on the new HSE database, but the fact is that REACH costs €100 million a year to run. We are therefore going to have a tiny shadow of the European chemicals database here in the UK.

REACH is difficult to transpose into UK law because it is a governance structure, not just a list of substances. Even if it was just a list of substances, our registrations and the intellectual property that goes with them have, in some cases, been lost by UK companies, or transferred to different places and are difficult to track down. So many of the regulations apply to data sharing, co-operation and the facilitation of free trade in chemicals between companies in member states. If we are not in the single market and not in the EEA, we will not have access to that data.

The Minister has said that she wants associate membership of the European Chemicals Agency, but she did not say in her opening remarks whether that is still being pursued, and if so, how progress on that associate membership is going. I understand that Norway is a member of it through its membership of the EEA.

We are clearly duplicating regulation if we have our own version of REACH, and companies trading in the EU and the UK will incur duplicate costs. We are doubling the costs of chemical regulations by leaving the EU. We know that uncertainty is having an impact on long-term investment and decisions. The Chemical Industries Association and the Chemical Business Association have indicated that a significant number of their members are considering moving their operations out of the UK to preserve their European business.

I would certainly prefer to see us remaining in REACH. Again, in the current system planned under this statutory instrument, there is silence on enforcement responsibilities, compliance and whether we remain in lockstep with the EU REACH system. There is no real stakeholder involvement in who gets to decide on that, which I think is very detrimental to the UK's competitiveness. REACH is the global gold standard in chemicals regulation, and it has been copied by South Korea, Turkey and the USA. My Committee visited the USA and heard about its Toxic Substances Control Act—which, sadly,

President Trump and his various Environmental Protection Agency heads have tried to row back on, but even the ToSCA is now about 10 to 15 years behind the EU.

To come on to the detail of the regulations, a very concerning deficiency in the statutory instrument is in relation to article 10 on the composition of the agency. We are not replicating the committees that inform decisions at the EU level, which will remove vital checks and balances in the form of stakeholder participation. ECHA has a management committee and technical committees, with stakeholders from industry, environmental and health non-governmental organisations, and trade unions permitted to participate in these meetings, but without a vote. There will be no such stakeholder participation in the UK chemicals agency, as formulated under this statutory instrument. This means that the best information will not be available for these discussions, and it will be ruled by fiat, rather than by discussion.

Article 76 of the original EU version created several committees, including one for risk assessment, one for socioeconomic analysis and a member state committee responsible for resolving potential divergences. The draft statutory instrument completely omits that article and replaces it with a much weaker duty to simply take scientific knowledge into account but with no formal standard mechanism comprising standing committees of experts to do so. We will have no committees of experts, or other committees, to take these registrations into account and help the agency to form its opinions.

The same deficiency appears elsewhere, including in relation to title 7 on authorisation. Article 58 concerns the inclusion of substances in annexe 14, but the duty to take into account the opinion of the member state committee is simply removed and the decision left to the Secretary of State. This is what my Committee has been warning against. Important democratic oversight mechanisms are being lost in translation and in the cut-and-paste process, and quietly, through the back door, in half-empty Chambers such as that in which we are sitting this evening, environmental regulation is simply being downgraded.

As I said earlier, I am very concerned about the budget. REACH was very expensive to set up. The Health and Safety Executive is going to run the UK version, but it has experienced considerable budget cuts over the past 15 years. Its annual accounts indicate that it currently spends just over £1 million for chemicals regulation testing in the UK. Page 98 suggests that it receives £1.2 million for provision of REACH services to the Department for Environment, Food and Rural Affairs, but that is a reduction from the £1.4 million it received in 2016-17. By contrast, I repeat that the spend per year for REACH is €100 million.

There is no commitment to mirror EU outcomes on chemical regulation. The draft statutory instrument has no automatic provision for copy across of EU restrictions and further improvements, so the UK's controls on chemical use could rapidly diverge from those in the EU. If the UK fell behind those in the EU, protection of human health and the environment would be reduced. We do not want to end up in a situation where chemical regulation is diluted.

I have shared my concerns about the outcomes and the stakeholders. My final point relates to the Government's better regulation agenda, which has a commitment to bring in regulations only if three times the amount of regulation, measured on the basis of cost to companies,

is removed. My Committee has been pressing the Cabinet Office on the issue. In a written statement on 20 June 2018, the then Minister confirmed that the UK still has a deregulation target of £9 billion in this Parliament. That confirmed for the first time that the target would be applied to vast swathes of formerly EU law after the transition or implementation period.

All of the regulations are going to be subject to the bizarre and ridiculous one in, three out rule. If we want to strengthen environmental law, protect new organisms or habitats, or ban a new chemical, the UK must calculate the business cost and ignore the benefits, and then the Department concerned must justify how it fits with the overall reduction target. This rule creates a massive disincentive for Ministers, Departments and civil servants to improve regulation.

The National Audit Office report on DEFRA's progress in implementing EU exit had grave concerns about the long-term function of the UK's chemical regulatory system. It was very critical, although I acknowledge that some progress has been made. CHEM Trust told me in a meeting that it is also concerned about the rapid warning systems. UK environmental health officers could discover, for example, lead paint on children's toys or dangerous chemicals in baby products and baby foods, but because of the downgrading of their work, and that of trading standards, we are no longer going out looking for those problems and are very reliant on colleagues in other EU member states alerting us to the need to take such products off the market.

In conclusion, we have been gravely concerned for the past two years. When people voted to leave the EU, they did not vote to have weaker chemical regulation standards or for UK companies to leave the country in order to have better access to EU markets and to have to pay twice for the same registrations. They certainly did not vote for a flood of cheap imports to come into this country without any customs checks or for our children to be less safe from toxic chemicals. I hope that that is not where we end up. It shows the need for us to have a proper transition period and to remain in the single market and the customs union, to avoid such a devastating outcome.

7.25 pm

Norman Lamb (North Norfolk) (LD): I associate myself with the concerns raised by the Chair of the Environmental Audit Committee, the hon. Member for Wakefield (Mary Creagh), by the Opposition spokesperson, the hon. Member for Workington (Sue Hayman), and by the Scottish National party spokesperson, the hon. Member for North Ayrshire and Arran (Patricia Gibson). For those who raised the specific point about the risks of no deal, the most serious concerns could be avoided by the Government simply ruling it out. That is why it is so important for Parliament to assert its authority this week, to prevent the disaster of leaving the EU with no deal.

I will confine my main remarks to a question raised by Rolls-Royce, which contacted me in my capacity as Chair of the Select Committee on Science and Technology. I challenged the Minister during her opening remarks, but I have to say that I was not convinced or satisfied with her response so I want to return to the issue. The concern is that, as it stands, the draft statutory instrument looks as if it is flawed, and that flaw could have very serious consequences for UK companies.

[Norman Lamb]

The UK REACH SI takes account of a number of scenarios, addressing, for example, the issue of an EU authorisation held by a UK entity on which a UK downstream user is dependent and, equally, that of an EU authorisation held by an EEA entity on which a UK downstream user is dependent. However, it has been put to me that the scenario that is not addressed—I really would like the Minister to deal with this specifically—concerns an application for EU authorisation submitted by an EEA entity for which a decision has not yet been made and on which a UK downstream user is dependent.

According to Rolls-Royce, approximately 10 applications for authorisations to use or supply particular chemicals are waiting for a decision by the European Commission, which, as its decision-making process proceeds, takes advice from the European Chemicals Agency and from member states. The likelihood is that the applications currently submitted will not be decided by 29 March. The applications have been submitted by an EEA entity, not by a UK company. However, UK companies downstream in the supply chain—the end users of those chemicals—are reliant on the EEA manufacturer and supplier holding a current authorisation. In the event of no deal, if the EEA entity manufacturing and supplying the chemical to a UK company has not received its authorisation from the EU by 29 March, the UK company that uses that chemical would immediately become non-compliant with the UK REACH SI.

I would be delighted if the Minister intervened on me to address this specific question: what will happen to those companies, including many small and medium-sized enterprises that probably have no idea about all this complexity, that will immediately become non-compliant after 29 March? The consequences for them are potentially disastrous. They would be acting unlawfully in using those chemicals in this country after 29 March. I would be delighted if the Minister reassured the House now. If she is not able to do so, then this statutory instrument has to be opposed because it will have devastating consequences, quite apart from the other concerns that have been expressed in this debate. I urge the Minister, who remains silent, to take this away, rethink it and ensure that it addresses those concerns properly and fully. Without doing so, there will be very serious consequences.

Mary Creagh: I, too, have been contacted by Rolls-Royce and Make UK, the former Engineering Employers' Federation, which says that the chemicals affected—these in-flight chemicals, if you like—are a range of chromates using coatings, sealings, paints, primers and touch-up preparation, including chromium trioxide, which is used in the chrome plating industry and is significant for the automotive supply chain. It says that limiting the use of these substances would affect a wide range of component part manufacturers, processing houses, and maintenance and repair facilities, as well as other equipment manufacturers. This is exactly what the Environmental Audit Committee warned about two years ago: market freeze, where we simply freeze our automotive supply chains. Does the right hon. Gentleman agree that in a heavily regulated industry such as aerospace people cannot just switch suppliers from one day to the next?

Norman Lamb: I do agree. One is left reaching the inevitable conclusion that this is chaotic. The party in government prides itself as being the party of business, yet it is putting very many companies in this country in an invidious—indeed, impossible—position unless that is properly clarified.

It is really important that this does not proceed. I know these issues will be raised in the House of Lords, but I hope that this House defeats these regulations this evening. I again urge the Government to withdraw and think again.

7.31 pm

Caroline Lucas (Brighton, Pavilion) (Green): It is a real pleasure to follow the Chair of the Science and Technology Committee, the right hon. Member for North Norfolk (Norman Lamb), and my colleague the Chair of the Environmental Audit Committee, the hon. Member for Wakefield (Mary Creagh). If I was worried about this statutory instrument before I came into the Chamber this evening, I am even more worried now. As a general point, I cannot help but point out that it is simply extraordinary that 32 days before exit day and the end of the article 50 deadline, the Government are only now seeking to pass this vital secondary legislation. This statutory instrument should in theory provide an absolutely minimum protection to human health and the natural world in the event of a catastrophic no deal. It is now almost three years since the referendum vote, the last-minute rushing through of these vital laws is unforgivable.

The protections offered by REACH and other EU-led regulatory regimes are not nice optional extras; they are the basics of a system designed to keep people healthy and to protect the environment not just in the UK and the EU but across the world. They create a common rule book and they set higher standards. Let us be clear: if the UK leaves the EU without a deal, without even a deal on chemicals, it will immediately lose access to REACH with seriously adverse consequences. In that scenario, the UK would lack a functioning system to regulate the use of chemicals.

One example, as we have been hearing, is that there is not yet a functioning UK-based IT system to replace REACH. That is truly, truly shocking. DEFRA has apparently spent £5.8 million on that new IT system, but it is not yet able to say whether it will be functioning by exit day. Anyone involved in public procurement and IT systems will tell you that if you are not quite sure three weeks from a particular deadline, then, actually, you are sure—it is not going to be ready in three weeks. DEFRA also confirmed that the Health and Safety Executive will run the database. As others have observed, however, the HSE has had a decade of cutbacks and staff losses. It is unclear whether it has the capacity or expertise to deliver. We need much greater clarity about the IT system. The Minister said earlier that a judgment would be made about it later this week. I urge her to bring a statement to this House, so we know whether that IT system will be up and running. If it is not, this House has a right to know that. We also have a right to know whether there is sufficient recruitment of staff at the HSE. What guarantees can she give that those staff have the relevant expertise and skills?

Aside from not yet having a functioning UK-based system, if we leave the EU without a deal we lose access to vital information on thousands of chemicals held in

the REACH database. All that data is subject to copyright. In the event of a no-deal Brexit, British companies would need to obtain permission to get that data back. The burden on the UK chemical industry would be huge, costing vast sums of money to either re-register the chemicals here in the UK, or, if unable to obtain key data, to re-test chemicals. Both of those processes would require using a yet-to-be-online IT system. What, if any, assurances can the Minister give to the thousands of companies across the UK who rely on REACH to operate their businesses? Will she admit that a no-deal Brexit and crashing out of REACH would represent a catastrophe for the UK chemicals industry?

We have heard figures about how important the industry is to the UK economy as a whole. It is the UK's second-biggest manufacturing industry, after the food and drink sector, and it employs half a million people in the UK. Some 61% of chemical exports went to the EU in 2017, with a value of £18 billion, and 73% of chemical imports came from the EU. UK companies hold 12,449 REACH registrations. To put that in context, that is 13% of the total. That includes about 5,700 substances, 26% of the total, and 1,773 companies, which is 12% of the total. Trade in chemicals is highly integrated with the rest of the EU. Complex supply chains mean that products often cross the UK-EU border multiple times. We simply cannot afford to be playing games with the livelihoods of thousands of workers in the chemicals industry. The Government absolutely must be in a position to provide those assurances now.

Those serious questions about our readiness to leave the EU aside, this SI, as others have said, contains a number of serious flaws. Many have been pointed out by a number of parliamentary Committees, both here in the Commons and in the other place, and they need to be addressed urgently. I just want to summarise a few of them again very quickly.

The SI confirms that the chemical regulation will be administered by the Health and Safety Executive, but does not commit to a budget or provide any assurance that the HSE will be equipped with the necessary skills and capacities. The working budget for the European Chemicals Agency is €100 million a year, compared to the roughly £2.2 million the HSE currently spends regulating chemicals. Given the recent budget cuts to the HSE, it is worth noting that it took the EU five years to fully staff the European Chemicals Agency. As it stands, DEFRA has not provided any analysis of the additional resources that the HSE, the Environment Agency or DEFRA itself might need to develop a UK-led chemical regulatory system.

Secondly, as the Chair of the Environmental Audit Committee set out, the new system proposed in the SI strips away layers of supporting committees at EU level that are hugely important. They ensure decisions are based on the best scientific advice. The SI removes article 76, which establishes a committee for risk assessment, a committee for socio-economic analysis, and a member state committee

“responsible for resolving potential divergences of opinions on draft decisions”.

Those committees allow for stakeholders from industry, non-governmental organisations and trade unions to help inform decisions. In this SI, all of that is replaced by a duty on the HSE to seek external advice, but no formal standing committees of experts and stakeholders to look at the scientific knowledge relating to chemicals.

That is simply not good enough. We need clear and accountable processes for industry, civil society and academia to feed into this process. Decisions cannot be made in a dark room without scrutiny and oversight. There are obvious changes that should have been made already, but even then serious questions remain about what the Government have been doing to prepare for leaving the EU.

I just want to echo the shadow Secretary of State's concerns about animal testing. The idea that we would gratuitously redo tests, with all the pain and suffering of animals that that would include, is simply not conscionable. But that is what we would have to do if we cannot agree access to information in the REACH database. That would be senseless, needless and unacceptable. The EU referendum vote was not a mandate to increase animal suffering. What assurances can the Government provide to ensure that animal testing will not expand in the case of a no-deal Brexit?

This SI represents what is, in reality, a catastrophic failure on the part of this Government when it comes to Brexit. It is an example of how crashing out of the EU without a deal represents a huge blow to UK industry, as well as to vital protections for human health and the natural world. As well as making the changes outlined by the Environmental Audit Committee and the Lords EU Select Committee, the Government must urgently take no deal off the table.

7.39 pm

Alex Cunningham (Stockton North) (Lab): My constituency is home to some of the most complex international chemical companies in the world. It is a foundation industry that depends on smooth trading arrangements with the rest of the world—not just the EU—but from what I hear from the sector, it is clear that, as others have said, significant gaps remain in this statutory instrument. That is making the companies particularly nervous in relation to the movement of chemicals between the UK and other countries for all manner of manufacturing.

The Minister seems to think that a cosy chat, sitting down with the industrialists, is going to sort this, but it will not. The Chemical Industries Association tells me that while there is a limited two-year transition to register chemicals currently manufactured in the UK, there are no transitional arrangements in the SI for chemicals currently being imported to the UK from non-UK suppliers through third party-based representatives. In practice, that would mean that existing registrations would cease to exist, bringing a halt to imports from non-EU countries to the UK manufacturing sector after March.

Another concern expressed by the CIA is that there is no level playing field for all existing registration holders. As my hon. Friends the Members for Workington (Sue Hayman) and for Wakefield (Mary Creagh) said, the current approach in the SI forces existing EU suppliers to use a UK representative, and I add that they have to register within six months whereas all other existing duty holders have two years. For one UK-based multinational company, that will affect 400 chemicals that it is importing into the UK. It will inadvertently put UK importers, including those on Teesside, at a competitive disadvantage if they are unable to obtain information directly from the suppliers to register themselves. The CIA tells me that the process could be a

[Alex Cunningham]

lot more simplified and avoid additional compliance problems if all existing registration holders, including UK representatives of EU suppliers, could benefit from the two-year transitional arrangements. I hope that the Minister will consider that transition period very seriously indeed.

The Chemical Industries Association also says that the proposed timeframes are absolutely impossible to comply with. There are various timeframes to submit information to the UK regulator—120 days, 180 days and two years—all of which are unrealistic given that EU REACH provided 10 years to register and other global REACH regimes provide a much longer timeframe with a much smaller portfolio of substances.

In particular, the level of initial information that should be submitted within 120 days goes far beyond basic. To put this into context, that amounts to over 100 pages of information, including a detailed breakdown of composition for every chemical currently being manufactured or imported into the UK. Given that the objective is to confirm that a business legitimately owns an existing registration, the initial information needs to be kept to a minimum. I am told that the alternative would be to extend the existing timeframe to minimise the impact on businesses, who will have a number of Brexit-related challenges to overcome.

This brings me to the conclusion—we in the Opposition share this view—that the SI remains unfit for purpose. When we consider how many companies, goods and jobs are affected by it, we can be more than nervous about how it fails to provide the reassurances needed by industry. I had previously raised these shortfalls with the Prime Minister after one of her many EU discussion sessions and in my speech on the EU agreement, but there were no answers from the Prime Minister or the Minister answering the debate that day, and there have been no answers from this Minister today either. It is time they came up with answers.

I really feel that the Government ought to take this away today, listen again to what the sector has to say and come back to the House with those companies satisfied that they can do business under the regime that the Minister is proposing. Anything short of that and I believe we will be in a game of riding roughshod over the concerns of some of the biggest companies in the world—companies who I fear will take their investment and jobs elsewhere, as some of them already are doing, if they are forced to live with the chaos predicted. That is not good for the chemical industry, it is not good for Britain, and it is certainly not good for Teesside either.

7.44 pm

Dr Coffey: I thank all right hon. and hon. Members who have contributed to this debate. I assure the House that the Government remain committed to supporting all the aims of REACH: to ensure a continuing high level of protection of human health and the environment; to promote alternative, non-animal methods for assessing chemical hazards; and to promote the free circulation of chemicals and enhance competitiveness and innovation.

By putting the regulations in place, we will make sure that we can operate a UK REACH regime after leaving the European Union. We are working closely with the HSE and the EA, as well as other regulators, to prepare

for that national regime so that the change is as smooth as possible. We know the functions that are needed. I hope that in my opening remarks, I was able to convey the information that we will be providing the resources to fund the staff that are needed. I remind the House that the HSE will be building on the expertise that it already has from acting as the UK competent authority in the EU system and that it will be recruiting more staff to reflect its new and expanded role, as indeed, is the EA.

I do not agree that the arrangements that the REACH SI provides for on scientific advice are in any way weak. The UK agency must publish its scientific opinions, and when forming those opinions on authorisations and restrictions, the HSE must commission scientific knowledge and advice from suitably qualified or experienced persons who are independent of the agency. In a particular case, for example, where ECHA had already published robust evidence, the HSE must publish its justification for deciding not to take further advice. I assure the House that the HSE is not limited to getting its scientific advice from the UK, or indeed, even the EU.

The HSE must consult on and publish a statement about how it will comply with all these duties. That must happen within three months of exit, so we intend to have arrangements in place in UK REACH to allow stakeholders to observe discussions and considerations where this scientific advice is provided.

Patricia Gibson: Will the Minister give way?

Mary Creagh: Will the Minister give way?

Dr Coffey: I will not be giving way in my closing remarks—[*Interruption.*] Well, I am trying to answer the questions that I have already been asked. On what industry needs to know to do, we have had extensive discussions with a number of businesses and trade associations. We have launched a business readiness campaign targeting downstream users, in particular, and we continue to engage with the industry in that regard.

A question was raised about intellectual property. It is fair to say that the intellectual property remains with the company that submits it, but if companies already own the data, they can of course submit that to UK REACH. If not, they will need to arrange access and, as I pointed out, some are already starting to do so. Some—I mentioned CEFIC and the CIA in the UK—have encouraged their members with consortium registrations to make sure that they make that information readily available. Companies can, of course, employ ORs—only representatives—to hold a registration in the EU, just as they may do for access to other markets around the world, while maintaining their UK registration.

Patricia Gibson: Will the Minister give way?

Dr Coffey: I will not be giving way, as I have already made clear to the House. I am trying to answer the questions that I have already been provided with. On the other elements of registration, I am conscious that some companies have started to set up relationships with not only ORs, but other companies and to establish offices in the EU. Ireland is a particular favourite.

I want to clarify elements about animal testing—I know that this matters to the House. Within the EU—currently within ECHA—HSE and the EA have

been at the forefront of pushing for alternatives to animal testing, and that will continue. UK REACH will continue to follow the “last resort” principle when it comes to possible animal testing. That works alongside other REACH drivers to reduce the amount of testing, for example, where industry must get the regulator’s agreement before carrying out a test. We will continue to work closely with the OECD to develop new alternatives so that we can understand chemical hazards without testing them on animals. We are determined that there should be no need for any additional animal testing for a chemical that has already been registered, unless it is subject to further evaluation that shows that the registration dossier is inadequate or that there are still concerns about the hazards and risks of the chemical.

The right hon. Member for North Norfolk (Norman Lamb) asked particularly about Rolls-Royce and products that have not yet been authorised. The point is that the EU has not authorised those chemicals for use. Therefore, we cannot say that they will be authorised by the time we leave on 29 March and we will not have the position to allow for future EU decisions. HSE will work with companies to help them to get into compliance as soon as possible.

The hon. Member for Wakefield (Mary Creagh) referred particularly to products that include chromium. I can categorically say that chromium is a clear carcinogen and it really matters that we have to keep strong controls on how it is used. That is why it concerns me that the Opposition are considering voting against this SI. I pointed out earlier that the Welsh Labour Government have endorsed this SI and want it to pass today. Without these regulations we would not have a chemical regulatory regime that was effective in maintaining human health, and the environment would be put at risk, which makes me even more astonished that the Green party would also contemplate that.

We need to make sure that our regulators have the tools to understand the hazards of the chemicals that we use, and without this SI we would not have the information available on how to mitigate those risks. I invite the House to approve the regulations.

Question put.

The House divided: Ayes 297, Noes 240.

Division No. 337]

[7.50 pm

AYES

Adams, Nigel	Boles, Nick
Afolami, Bim	Bone, Mr Peter
Afriyie, Adam	Bowie, Andrew
Aldous, Peter	Bradley, Ben
Allan, Lucy	Bradley, rh Karen
Amess, Sir David	Braverman, Suella
Andrew, Stuart	Brereton, Jack
Argar, Edward	Bridgen, Andrew
Atkins, Victoria	Brine, Steve
Bacon, Mr Richard	Brokenshire, rh James
Badenoch, Mrs Kemi	Bruce, Fiona
Baker, Mr Steve	Buckland, Robert
Baldwin, Harriett	Burghart, Alex
Barclay, rh Stephen	Burns, Conor
Bebb, Guto	Cairns, rh Alun
Bellingham, Sir Henry	Campbell, Mr Gregory
Beresford, Sir Paul	Cartlidge, James
Berry, Jake	Cash, Sir William
Blackman, Bob	Caulfield, Maria

Chalk, Alex	Hall, Luke
Chishti, Rehman	Hammond, rh Mr Philip
Clark, Colin	Hammond, Stephen
Clarke, rh Mr Kenneth	Hancock, rh Matt
Clarke, Mr Simon	Hands, rh Greg
Cleverly, James	Harper, rh Mr Mark
Clifton-Brown, Sir Geoffrey	Harrington, Richard
Coffey, Dr Thérèse	Harris, Rebecca
Collins, Damian	Harrison, Trudy
Costa, Alberto	Hart, Simon
Courts, Robert	Hayes, rh Sir John
Cox, rh Mr Geoffrey	Heald, rh Sir Oliver
Crabb, rh Stephen	Heapey, James
Crouch, Tracey	Heaton-Jones, Peter
Davies, Chris	Henderson, Gordon
Davies, David T. C.	Hinds, rh Damian
Davies, Glyn	Hoare, Simon
Davies, Philip	Hollingbery, George
Davis, rh Mr David	Hollobone, Mr Philip
Dinenage, Caroline	Holloway, Adam
Djanogly, Mr Jonathan	Howell, John
Docherty, Leo	Huddleston, Nigel
Dodds, rh Nigel	Hughes, Eddie
Donaldson, rh Sir Jeffrey M.	Hunt, rh Mr Jeremy
Double, Steve	Hurd, rh Mr Nick
Dowden, Oliver	Jack, Mr Alister
Doyle-Price, Jackie	James, Margot
Duddridge, James	Javid, rh Sajid
Duguid, David	Jayawardena, Mr Ranil
Duncan, rh Sir Alan	Jenkin, Sir Bernard
Duncan Smith, rh Mr Iain	Jenkyne, Andrea
Dunne, rh Mr Philip	Jenrick, Robert
Ellis, Michael	Johnson, rh Boris
Ellwood, rh Mr Tobias	Johnson, Dr Caroline
Elphicke, Charlie	Johnson, Gareth
Eustice, George	Johnson, Joseph
Evans, Mr Nigel	Jones, Andrew
Evennett, rh Sir David	Jones, rh Mr David
Fabricant, Michael	Jones, Mr Marcus
Fallon, rh Sir Michael	Kawczynski, Daniel
Field, rh Mark	Keegan, Gillian
Ford, Vicky	Kennedy, Seema
Foster, Kevin	Kerr, Stephen
Fox, rh Dr Liam	Knight, rh Sir Greg
Francois, rh Mr Mark	Knight, Julian
Frazer, Lucy	Kwarteng, Kwasi
Freeman, George	Lamont, John
Freer, Mike	Lancaster, rh Mark
Fysh, Mr Marcus	Latham, Mrs Pauline
Gale, rh Sir Roger	Leadsom, rh Andrea
Garnier, Mark	Lee, Dr Phillip
Gauke, rh Mr David	Lefroy, Jeremy
Ghani, Ms Nusrat	Leigh, rh Sir Edward
Gibb, rh Nick	Letwin, rh Sir Oliver
Girvan, Paul	Lewer, Andrew
Goldsmith, Zac	Lewis, rh Brandon
Goodwill, rh Mr Robert	Lewis, rh Dr Julian
Gove, rh Michael	Liddell-Grainger, Mr Ian
Graham, Luke	Lidington, rh Mr David
Graham, Richard	Lopez, Julia
Grant, Bill	Lopresti, Jack
Grant, Mrs Helen	Lord, Mr Jonathan
Gray, James	Loughton, Tim
Grayling, rh Chris	Mackinlay, Craig
Green, Chris	Maclean, Rachel
Green, rh Damian	Main, Mrs Anne
Greening, rh Justine	Mak, Alan
Grieve, rh Mr Dominic	Malthouse, Kit
Griffiths, Andrew	Mann, Scott
Gyimah, Mr Sam	Masterton, Paul
Hair, Kirstene	Maynard, Paul
Halfon, rh Robert	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
Morton, Wendy
Mundell, rh David
Murray, Mrs Sheryll
Murrison, Dr Andrew
Neill, Robert
Newton, Sarah
Nokes, rh Caroline
Norman, Jesse
O'Brien, Neil
Offord, Dr Matthew
Opperman, Guy
Paisley, Ian
Parish, Neil
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
Pritchard, Mark
Pursglove, Tom
Quin, Jeremy
Quince, Will
Raab, rh Dominic
Redwood, rh John
Rees-Mogg, Mr Jacob
Robertson, Mr Laurence
Robinson, Mary
Ross, Douglas
Rowley, Lee
Rudd, rh Amber
Rutley, David
Sandbach, Antoinette
Scully, Paul
Seely, Mr Bob
Selous, Andrew

Shannon, Jim
Shapps, rh Grant
Sharma, Alok
Shelbrooke, Alec
Simpson, David
Skidmore, Chris
Smith, Henry
Smith, rh Julian
Smith, Royston
Soames, rh Sir Nicholas
Spelman, rh Dame Caroline
Spencer, Mark
Stephenson, Andrew
Stevenson, John
Stewart, Iain
Stewart, Rory
Streeter, Sir Gary
Stride, rh Mel
Stuart, Graham
Sturdy, Julian
Sunak, Rishi
Swayne, rh Sir Desmond
Swire, rh Sir Hugo
Syms, Sir Robert
Thomas, Derek
Thomson, Ross
Throup, Maggie
Tolhurst, Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Tredinnick, David
Trevelyan, Anne-Marie
Truss, rh Elizabeth
Tugendhat, Tom
Vaizey, rh Mr Edward
Vara, Mr Shailesh
Vickers, Martin
Villiers, rh Theresa
Walker, Mr Charles
Walker, Mr Robin
Wallace, rh Mr Ben
Warburton, David
Warman, Matt
Watling, Giles
Whately, Helen
Wheeler, Mrs Heather
Whittaker, Craig
Whittingdale, rh Mr John
Wiggin, Bill
Williamson, rh Gavin
Wilson, rh Sammy
Wood, Mike
Wragg, Mr William
Wright, rh Jeremy

Tellers for the Ayes:
Jo Churchill and
Michelle Donelan

NOES

Abbott, rh Ms Diane
Abrahams, Debbie
Ali, Rushanara
Allen, Heidi
Allin-Khan, Dr Rosena
Amesbury, Mike
Antoniazzi, Tonia
Ashworth, Jonathan
Bailey, Mr Adrian

Barron, rh Sir Kevin
Benn, rh Hilary
Berger, Luciana
Betts, Mr Clive
Blomfield, Paul
Brabin, Tracy
Brake, rh Tom
Brennan, Kevin
Brown, Lyn

Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burgon, Richard
Butler, Dawn
Byrne, rh Liam
Cable, rh Sir Vince
Cadbury, Ruth
Campbell, rh Sir Alan
Carden, Dan
Carmichael, rh Mr Alistair
Chapman, Jenny
Charalambous, Bambos
Clwyd, rh Ann
Coaker, Vernon
Coffey, Ann
Cooper, Julie
Cooper, Rosie
Cooper, rh Yvette
Corbyn, rh Jeremy
Coyle, Neil
Crausby, Sir David
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
Dhesi, Mr Tanmanjeet Singh
Dodds, Anneliese
Doughty, Stephen
Dowd, Peter
Drew, Dr David
Dromey, Jack
Duffield, Rosie
Eagle, Ms Angela
Eagle, Maria
Edwards, Jonathan
Efford, Clive
Elliott, Julie
Ellman, Dame Louise
Elmore, Chris
Everson, Bill
Evans, Chris
Farrelly, Paul
Fitzpatrick, Jim
Flint, rh Caroline
Fovargue, Yvonne
Foxcroft, Vicky
Furniss, Gill
Gaffney, Hugh
Gapes, Mike
Gardiner, Barry
George, Ruth
Gill, Preet Kaur
Glindon, Mary
Goodman, Helen
Green, Kate
Greenwood, Lilian
Greenwood, Margaret
Griffith, Nia
Grogan, John
Gwynne, Andrew

Hanson, rh David
Hardy, Emma
Harman, rh Ms Harriet
Harris, Carolyn
Hayes, Helen
Hayman, Sue
Healey, rh John
Hendrick, Sir Mark
Hepburn, Mr Stephen
Hill, Mike
Hillier, Meg
Hobhouse, Wera
Hodgson, Mrs Sharon
Hollern, Kate
Hopkins, Kelvin
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
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, Clive
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
McGinn, Conor
McGovern, Alison
McInnes, Liz
McKinnell, Catherine
McMahon, Jim
McMorrin, Anna
Mearns, Ian
Miliband, rh Edward

Moon, Mrs Madeleine	Smith, Angela
Moran, Layla	Smith, Cat
Morden, Jessica	Smith, Eleanor
Morgan, Stephen	Smith, Laura
Morris, Grahame	Smith, Nick
Murray, Ian	Smith, Owen
Norris, Alex	Smyth, Karin
Onn, Melanie	Snell, Gareth
Onwurah, Chi	Soubry, rh Anna
Osamor, Kate	Spellar, rh John
Owen, Albert	Starmer, rh Keir
Pearce, Teresa	Stone, Jamie
Pennycook, Matthew	Streeter, Wes
Perkins, Toby	Stringer, Graham
Phillips, Jess	Sweeney, Mr Paul
Phillipson, Bridget	Tami, rh Mark
Pidcock, Laura	Thomas, Gareth
Platt, Jo	Thomas-Symonds, Nick
Pollard, Luke	Trickett, Jon
Powell, Lucy	Turley, Anna
Qureshi, Yasmin	Twigg, Stephen
Rashid, Faisal	Twist, Liz
Rayner, Angela	Umunna, Chuka
Rees, Christina	Vaz, Valerie
Reeves, Rachel	Walker, Thelma
Reynolds, Emma	Watson, Tom
Rimmer, Ms Marie	West, Catherine
Rodda, Matt	Western, Matt
Rowley, Danielle	Whitehead, Dr Alan
Ruane, Chris	Whitfield, Martin
Russell-Moyle, Lloyd	Williams, Hywel
Ryan, rh Joan	Williams, Dr Paul
Shah, Naz	Williamson, Chris
Sharma, Mr Virendra	Wilson, Phil
Sheerman, Mr Barry	Wollaston, Dr Sarah
Sherriff, Paula	Yasin, Mohammad
Shuker, Mr Gavin	Zeichner, Daniel
Siddiq, Tulip (<i>Proxy vote cast by Vicky Foxcroft</i>)	
Skinner, Mr Dennis	Tellers for the Noes:
Slaughter, Andy	Jeff Smith and
Smeeth, Ruth	Colleen Fletcher

Question accordingly agreed to.

Resolved,

That the draft REACH etc. (Amendment etc.) (EU Exit) Regulations 2019, which were laid before this House on 5 February, be approved.

Backbench Business

Macpherson Report: 20th Anniversary

8.6 pm

Alex Norris (Nottingham North) (Lab/Co-op): I beg to move,

That this House notes the twentieth anniversary of the publication of the Macpherson Report on the Stephen Lawrence Inquiry on 24 February 2019; and calls on the Government and all in public life to renew their commitment to fulfilling the recommendations of the Macpherson Report.

Twenty years ago yesterday, the Stephen Lawrence inquiry reported its findings. Last year saw the country mark a more tragic anniversary: it was 25 years since Stephen was killed in a brutal racist attack in Eltham, south London, on 22 April 1993. He was 18 years old. The chair of the inquiry, Sir William Macpherson, and his advisers later concluded:

“Stephen Lawrence’s murder was simply and solely and unequivocally motivated by racism.”

That date also marked the start of a long battle for justice by Stephen’s family. Their courage and dignity in the face of everything that they have faced is extraordinary, and should constitute a call to action for all of us. For the purpose of my speech, I have drawn extensively on Baroness and Dr Lawrence’s work, as well as their contributions to the ongoing Home Affairs Committee inquiry. I have also drawn from the work of—and stood on the shoulders of—my hon. Friend the Member for Eltham (Clive Efford), who worked so hard to get the inquiry off the ground. I salute his work today.

Looking ahead to this anniversary, the Home Affairs Committee, of which I am a member, began to scope an inquiry last year. We have taken written evidence, and earlier this month we held our first oral evidence session. We heard from Baroness Lawrence, and from representatives of black and minority ethnic policing bodies. We look forward to taking further evidence in the coming months.

Clive Efford (Eltham) (Lab): I congratulate my hon. Friend on securing the debate. I would contribute to it by making a speech, but unfortunately it clashes with an event that I planned several months ago, which I am chairing and to which I shall return in a second. First, however, let me say this to my hon. Friend.

One of my reflections on the inquiry is that as time has gone by—and it is 20 years into the past—we have lost our focus on the lessons that Macpherson taught us. Some of our public services are not sufficiently aware of the issues surrounding racism and racial tension in some of our communities. I think we need to think again about some of them, and I hope that the Committee will refocus people’s attention on the lessons of Macpherson so that our public services can once again give those issues the priority that they must be given.

Alex Norris: I thank my hon. Friend for his intervention. I was about to come to exactly that point.

The Macpherson report presented 70 recommendations to the Home Office, police forces and other public bodies. Baroness Lawrence told us that she had tried to find out how many had been implemented before coming to see our Committee, but had struggled to find the information that she needed. She said:

[Alex Norris]

“It seems as if things have become really stagnant and nothing seems to have moved”.

So are we really learning the lessons?

Mr Jim Cunningham (Coventry South) (Lab): That raises a question about the Metropolitan police: why has it taken them about 20 years to start an inquiry into, according to the press, between 10 and 12 officers? That suggests to me the Metropolitan police have still not got on top of this problem.

Alex Norris: That is one of the reasons for the Select Committee’s work on this. We are at the early stages and so have not yet drawn any conclusions, but a real and clear audit against the recommendations for both the Metropolitan police and other organisations would be timely. In starting this debate I intend to run through some of the evidence we have seen so far, on just four or so topics.

The phrase “institutional racism” is synonymous with the Macpherson report, which concluded that institutional racism existed in the Metropolitan Police Service, other police services and other institutions countrywide, citing factors such as the Lawrence family’s treatment by the police, the disparity in stop-and-search figures, the under-reporting of racial incidents nationwide and the failure of the police to provide officers with racism awareness or race relations training.

So how far have we come since then, 20 years on?

Ms Diane Abbott (Hackney North and Stoke Newington) (Lab): Does my hon. Friend agree that sometimes people talk about the use of the phrase “institutional racism” as if people are saying every single person in the institution in question is a racist, whereas that phrase refers to the workings of institutions that turn out to the disadvantage of black people and others?

Alex Norris: I absolutely agree. I said the phrase was synonymous with the Macpherson report because that report is what made the phrase a part of public life, and people do get very sensitive about it and I think sometimes hide behind those sensitivities as a reason not to act on the things my right hon. Friend talks about.

There is evidence to suggest that we have not made enough progress so far. Police Sergeant Tola Munro, president of the National Black Police Association, told the press that there had been “some progress” but added that

“if I was marking policing I would give us a C at the moment... We within the NBPA would argue that we would consider at least some forces are institutionally racist”.

Baroness Lawrence highlighted the education system as somewhere where black people continually do not have the same outcomes as their white counterparts, and Bevan Powell, one of the founding members of the NBPA, said:

“While I believe a lot has changed, I think, to a certain extent, a lot has gone backwards. I think that is due to leadership; it is because the police and the Government have taken their eye off the ball on race.”

Clearly there is much to do.

Tim Loughton (East Worthing and Shoreham) (Con): I pay tribute to the hon. Gentleman, as a fellow member of the Home Affairs Committee, for securing this debate.

On leadership, I am sure he will agree that in order for the police force to command the respect of the population, it needs to reflect that population as much as possible, and the leadership of the organisation also needs to reflect the population as a whole. While, as I am sure the Minister will tell us and as the Committee has heard, there has been some progress in the number of BME officers in the police force, the number of BME officers in high positions is still woefully low and not reflective of that number. The retention rates for those officers are also woefully low, and that is where we need to do an awful lot better.

Alex Norris: I appreciate that intervention, and it is a prescient one as I am about to move on to BAME officers in the police.

Macpherson highlighted the importance of police forces representing the communities they serve, as the hon. Gentleman said, and of recruitment and progression being prioritised. Today, the proportion of officers from BAME backgrounds is still half what it would be if it reflected the general population, so progress has been exceptionally slow. We should be glad that there is a 4% year-on-year increase in the latest data, but it is still very slow and we need to do better. Of course, as the hon. Gentleman said, those officers are also still disproportionately concentrated at lower ranks, and based on current rates of progression it will be 2052 before the police service represents the population it serves. In pulling this speech together I was shocked to learn that 13 of the 43 forces in England and Wales do not have a single black woman police officer, and across the force in total the number of black female officers has increased by 34 in the last 10 years—not 34%, but 34 individuals. That is astounding.

Even when those recruits have entered the service, Detective Sergeant Janet Hills, the chair of the Metropolitan Black Police Association, says that all the good work that is being done to recruit more BAME officers is being undone by

“a culture that is still not embracing diversity, race and difference, which then has people either dismissed or deciding to leave voluntarily”.

and adds that people are being recruited but are not staying because they are not being progressed.

Sir Edward Davey (Kingston and Surbiton) (LD): Is the hon. Gentleman aware that there appear to be a disproportionate number of black and ethnic minority police officers above the rank of superintendent under investigation? There appears to be a feeling that they are discriminated against in the profession, which obviously does not encourage them to remain in the service or help their promotion.

Alex Norris: Yes, the Committee has heard that there is disproportionality in disciplinary procedures. That is bad for the individuals, but also sets a tone and sends a message to other officers or would-be officers that their experience will not be a positive one. It fundamentally undermines the authority and legitimacy of police forces for them to fail to represent the communities they serve. Let’s face it, I am not the first person to stand up in this place and cotton on to that fact; how many people over the last 20 years, and probably the 20 years before that, have stood up in this Chamber and said that? But what are we actually doing to change this? People will look to us for leadership and expect that we effect change.

Gareth Thomas (Harrow West) (Lab/Co-op): May I echo others' praise of my hon. Friend for securing this debate? One of the most senior BME officers to serve in the Metropolitan police was Chief Superintendent Dal Babu, who led the police in the London Borough of Harrow. The Minister will remember his excellent service in our communities. He has said publicly that he launched a mentoring and support programme for other officers from a BME background and had that initiative rubbished by senior officers. Is that attitude not part of the challenge we face, and should we expect not only Ministers but senior figures in the Metropolitan police to continue to challenge it?

Alex Norris: We will start to see things genuinely changing when we start to see such initiatives embraced. The idea that doing the same things will get us the same outcomes is hardly a revolutionary concept, but people are too slow to grasp that.

The Macpherson report criticised the disproportionality of stop-and-search, stating that

"we are clear that the perception and experience of the minority communities that discrimination is a major element in the stop and search problem is correct".

One of the performance indicators recommended for measuring progress against the ministerial priority was "the policy directives governing stop and search procedures and their outcomes".

Again, I fear we have gone too quiet on that, not least because recent figures suggest that race disproportionality in stop-and-search is actually worse now than it was 20 years ago, although improved recording practices may well have had an impact on that. Still, the latest figures show that black people are nine and a half times more likely than white people to be stopped and searched.

Janet Daby (Lewisham East) (Lab): We often hear that having too many stop-and-searches of members of the black community, especially black males, is affecting the community and its relationship with the police. That can then make it very difficult for people from a black culture and ethnic background to be able to trust the police, so we need to do more on building that relationship between black communities and the police.

Alex Norris: I absolutely agree. I dare say I may have taken part in this at some point, but as a body politic we have a dishonest conversation about stop-and-search. When we are in a community hall faced by parents or individuals who are angry about disproportionality we wring our hands and say it must change, but the moment something happens—somebody is stabbed, for example—we run to this place or the nearest camera and say, "Oh goodness, this can't happen this way; we have to do more stopping and searching." We must have an honest conversation in this country. My right hon. Friend the Member for Hackney North and Stoke Newington (Ms Abbott) has been steadfast in this regard for many decades; we could all learn something from that. We ought to have a much more mature conversation with people in our community.

I can offer some hope from my own police force of Nottinghamshire. Our stop-and-search rates are among the lowest in the country, but due to intelligence-led use of stop-and-search powers our current 41% arrest and positive outcome rate is one of the highest in the country. We should reflect on that: one of the lowest

stop-and-search rates produces one of the highest success rates. It is probably not a major surprise that our excellent police and crime commissioner, Paddy Tipping, who is behind this, was also involved in setting up the Macpherson inquiry. He gets it, and we now need more people to join him.

Finally, before I sit down and give others a chance to speak, I want to turn to governance and oversight. Earlier, I referred to Baroness Lawrence's frustration at the difficulty in finding out what progress has been made against the Macpherson report's recommendations. We as a Committee intend to address that by writing to the Home Office and other bodies to ask for updates against all 70 recommendations. Frankly, though, the Government should not be leaving this to us. They have been criticised for a lack of governance and oversight. The Stephen Lawrence steering group was disbanded many years ago, and in 2012, Bevan Powell called for the re-establishment of a pan-Whitehall group to restore trust between the police and communities.

Yvette Cooper (Normanton, Pontefract and Castleford) (Lab): I congratulate my hon. Friend on securing this debate and setting out very powerfully the key issues in the Macpherson report that are still being raised 20 years on. As he says, the Home Affairs Committee is looking again at all the issues around diversity and policing, and around institutional racism, that were raised at the time. When we heard evidence from Baroness Lawrence, we asked her what she wanted Stephen Lawrence's legacy to be. She mentioned Stephen Lawrence Day, the first of which will be in April. We also asked her what she most wanted to change, and she answered that we should change how we treat our young people, because they are our future. Does my hon. Friend agree that it is important for us to look forward at the positive legacy of Stephen's life and, on Stephen Lawrence Day, for us to celebrate what more we can do in the future as well as bringing about the changes that we still need to make after 20 years?

Alex Norris: I am grateful to the Chair of the Home Affairs Committee for that intervention. She and I and many others were keen for this debate to take place now, around the anniversary of the inquiry, rather than around Stephen Lawrence Day, because the family are very clear about what they want the day to be, and about the positives to be gained from it. I am glad that we are able to honour it in that way, and I will certainly be participating fully and supporting the family in their really important goal.

I shall quote something that Bevan Powell said to us, and this is certainly something for the Chair of the Committee to consider. He stated:

"The only time the police seem to respond to the recommendations and the associated issues that came out of Macpherson is when there is a Home Affairs Committee or a public inquiry of some sort. That cannot be the case."

Our Committee's recent report, "Policing for the Future", criticised the extent to which the Home Office had stepped away from policing policy, with the Department being widely criticised by policing stakeholders and the National Audit Office for its lack of leadership. I am glad to see the Policing Minister in his place. I know that he is a man motivated by a strong sense of duty and decency and a believer in the importance of public service. In that spirit, I say to him that we are crying out

[Alex Norris]

for someone on the Government Front Bench to grab hold of the lessons learned from the Macpherson inquiry and to finish the job, audit progress, reconvene a steering group and drive this forward. I really would not worry about the partisan risk in doing that. Frankly, there will be enough blame to go around: we will all have our share.

Tim Loughton: I want to take up the hon. Gentleman's point about young people. A report produced a few years ago by the all-party parliamentary group for children on the relationship between young people and the police made some recommendations which, to give them their due, the Government took up and changed the law. The shocking finding from that report was the lack of confidence in the police among young people, particularly those from BME communities. There always used to be confidence in the police among young people—we all remember the friendly bobby coming to our school—but if we can no longer instil that confidence in people at a young age, that does not bode well for adults having confidence in the police. We need to do so much better in that regard, and it should not just be down to all-party groups and our Select Committee to bring about that change.

Alex Norris: I appreciate that intervention from the hon. Gentleman. That lack of confidence has been seen across the piece. All young people have less confidence in the police than we do, on average, and that is a toxic situation. It means that reporting is not as strong as it could be, that people are not as willing as they should be to say when they are scared for their own safety, and that they are less likely to think of the police as a profession that is for them. The situation is toxic across the piece.

During our careers, a lot of us will have had a “never again” moment. Perhaps it has involved sitting with a bereaved parent talking about the loss of their child. That happened to me in my first couple of months as a councillor in 2011. I sat there feeling impotent, and I wished I could take the pain away, but I could not. At that time, I thought “never again”, but that feeling dissipates over time. I have to tell colleagues and friends today that this is what “never again” is. It is grasping the moment and using our privileged position to say, “Here are 70 ways in which we were told that things would be better, but we have not finished the job yet. We must stand up and use our privileged position to do those things.” It is time for that now: not just words, but actions.

8.24 pm

Douglas Ross (Moray) (Con): It is a pleasure to follow the hon. Member for Nottingham North (Alex Norris), and I was delighted to sponsor the debate, along with him, coming to the Chamber tonight. It is important that the Backbench Business Committee found the time for it to take place here on the day after the anniversary of the Macpherson report. This will be a useful examination of where we are as a Parliament, both looking back and looking forward. A number of the things I will say this evening are things that I said in the Select Committee when we held our first evidence session on this issue. I think that they are worth repeating in the Chamber tonight.

When we questioned Baroness Lawrence, I said that I had still been at school when Stephen Lawrence was murdered. I cannot for the life of me remember his actual murder, and I do not remember seeing the news in the days and weeks after it, but I almost feel as though I have grown up with the Stephen Lawrence murder and the different investigations and trials—failed and successful—that have taken place. Sadly, this has been a part of British life, and it was part of my childhood as I grew up. This shows the importance of one man's tragic death and what it meant to his family, and why, decades later, we are still speaking about Stephen Lawrence's death and also his legacy, which I shall come on to in a moment.

In the Select Committee, I also mentioned a fascinating documentary that many people have seen, “The Murder that Changed a Nation”. It was compelling viewing for many reasons. It showed how, had it not been for a number of critical interventions, we might not have been standing here in Parliament tonight talking about a crime that had been solved or about the positive aspects of Stephen Lawrence's legacy. We may still have been discussing much of the tragedy.

What would have happened had it not been for a very determined family? Baroness Lawrence and Neville Lawrence fought day in, day out to get justice for their son, but they should not have had to. They should have been grieving like any other parents would have been in those tragic circumstances, but they were not given the opportunity to grieve, because they had to fight for justice for their son. They did not just have to fight for a few days or weeks; they have fought for decades and continue to fight. That is simply not good enough.

Another aspect that occurred just by chance was the discussion, meeting and publicity with Nelson Mandela. Had that not happened—had Nelson Mandela not met the family and said what he did—perhaps the case would not have got the publicity it clearly deserved. I am glad the Policing Minister is here to respond to tonight's debate, because although we must never forget that there is rightly much criticism of policing in the Stephen Lawrence inquiry, were it not for the dedicated service of Clive Driscoll, a police officer, we may never have got the justice that Stephen rightly deserved. This police officer was told, “Take these files about the Stephen Lawrence inquiry. Your job is to shred them, to destroy them, to get rid of them.” As he was going to go about his duty, he looked at these files and his suspicions grew stronger and stronger. That officer was very alarmed at what he saw and read, and he knew that it was possible to get from these files justice and ultimately the convictions we have seen of the two men found guilty of Stephen Lawrence's murder. But for that police officer, and others who were determined that the previous failings of the police, which are well-known, would be overcome at some stage, we may not have been in that place.

I have spoken for a few minutes about coincidences, but for which we may not have got to the stage we are at now. The final one is Neville Lawrence's relationship with the editor of the *Daily Mail* and, thus, its headline in February 1997. How can it be that a country such as the United Kingdom, even in the late 1990s, relied on a frank and startling front page of a newspaper that only really came about because the editor—had it been anyone else at the newspaper this would not have happened—knew Neville Lawrence, had listened to him and had been

shocked at what he heard? This editor decided that despite the legal representations made to the newspaper saying, “You cannot print a front page like that”, he would go ahead and do it.

As I was preparing for this debate, I thought again about how they are just four examples of things that could have easily gone the other way. We may have had a family who were so steeped in mourning that they could not have pursued this with as much vigour as the Lawrence family did. We may have had a police officer who did shred those files. We may never had the meeting between Nelson Mandela and the family. And we may never had that front-page article. Where would we have been as a country if those four incidents had not happened? I shudder to think where we would have been.

Let us now look at where we are. I was privileged to serve on the Select Committee with other Members who are here this evening and to hear evidence from Baroness Lawrence. Right at the beginning of her evidence session, she said that it seems as though

“nothing seems to have moved.”

We looked at the 70 recommendations from the Macpherson inquiry and judged whether they had been met, partially met or not met, and whether they had been met within any specific timescale. I would be interested to hear the Minister’s response to this, because Baroness Lawrence was very critical and very clear in her view that they had not been met; this has fallen by the wayside.

I then looked back at the previous Home Affairs Committee report on this, “The Macpherson Report—Ten Years On”, which was published on 14 July 2009. It said that

“67 of Macpherson’s 70 recommendations have been implemented fully or in part.”

How could one Committee think that, whereas at the very start of our inquiry, looking at the same report 20 years on, we are finding confusion and uncertainty on how to judge whether these recommendations have been enacted, followed and met, fully or in part? We as a Parliament and the public need to know how we assess the progress of these reports. It is right that the Macpherson inquiry went into great detail, took a considerable amount of evidence and came up with a stark report with recommendations that were going to root out the problems seen in the Stephen Lawrence murder and thereafter. How can parliamentarians and our constituents have faith that these reports do not just sit on a shelf, and do not get produced to great fanfare and nothing further? It would seem that 10 years on from the inquiry the Home Affairs Committee thought things were good, so I am worried that a further 10 years on we are getting clear evidence from one of the people most involved in this incident that things have not moved on. Baroness Lawrence is saying that it seems that nothing has moved on.

Tim Loughton: My hon. Friend is making a fascinating speech and I congratulate him on that. Is a measure of whether things have been moving on, be it over 10 years, 20 years or whatever, not the confidence that certain communities have in their police force? One particularly depressing factor is that although confidence in the local police has risen among most communities, those from the black Caribbean community remain stubbornly at the bottom in terms of those who have least confidence in their police; the comparable numbers over the past

10 years have moved very little. If we cannot convince those members of our community that things have improved, clearly we need to listen to the reasons why they do not think they have improved and do something rather more about it than we have.

Douglas Ross: I agree entirely with my hon. Friend, who serves diligently on the Home Affairs Committee and has heard the evidence that agrees with the point he is making. As well as hearing from Baroness Lawrence, we heard from a number of black, Asian and minority ethnic officers about the problems they face. His point about how people in the BAME communities respond to the police was reflected in some of that evidence, in that the police force they look to for support does not reflect them. That is a problem.

I want briefly to turn to recruitment and retention, which the hon. Member for Nottingham North and my hon. Friend the Member for East Worthing and Shoreham (Tim Loughton) mentioned. Although we are rightly focusing on the 41 forces in England and Wales this evening, I represent a Scottish constituency, and if I may I would like to look at Police Scotland, because it is interesting to see how things work in the round. I refer Members to my entry in the Register of Members’ Financial Interests; my wife is a serving police officer. I welcome the increase of over 10% in Scotland’s police recruits from minority ethnic backgrounds in 2017, but if we look at recruitment on its own, we will not understand the full picture. Equally important is the retention of police officers and staff, as well as promotion.

It is unfortunate that none of Police Scotland’s executive team come from a black and ethnic minority background. We have had Police Scotland for almost five years, and it would be good to see promotion throughout the ranks. I am not saying that that will not happen—this is not a criticism, just an observation that it would be good to see that—but we had witnesses coming along to our Select Committee who had put themselves forward as candidates to be sergeants or inspectors and who said that they felt that on paper they were as good as anyone else, but who were not promoted. It is all well and good saying that we have x number of people from BAME backgrounds in a police force, but if they believe that their future progression in that force will not be as bright, fast or positive as that of others, then we have a problem. If our sergeants and inspectors leading policing teams are not reflective of the communities that they are serving, then we have a problem.

In a written submission to the Scottish Parliament’s Justice Sub-Committee on Policing, the Coalition for Racial Equality and Rights raises the problem of retention not just of officers, but of BAME staff once recruited, stating:

“There is no point in bettering recruitment if...officers and staff continue to leave Police Scotland in high proportions.”

We need more information, whether from exit interviews or better data, to understand why people leave the force. It is all well and good recruiting people to become police officers, whether in the Met, across England and Wales or in Police Scotland, but if, once they get there, they decide for whatever reason that they have to leave and do not feel at home in any of these police forces, we need to know why.

This may or may not be a controversial point, but we also need to do more than simply training officers.

Dr Rupa Huq (Ealing Central and Acton) (Lab): The hon. Gentleman is making some moving points about bias and discrimination. Does he agree that unconscious bias can be something that people have not thought of, that it needs stamping on, in addition to the policies that he mentions, and that more training is needed at all levels of the police?

Douglas Ross: I am grateful for the hon. Lady's points. I say this to her gently, but she might be even more impressed when she hears some of my speech, now that she has entered the Chamber.

I agree with the point about unconscious bias, but the point I was coming to was about training. Whether training is for unconscious bias or to improve officers' interactions or responses to racial incidents, it cannot simply be a tick-box exercise. We cannot simply say, "Go online, enter this portal, and at the end of it"—maybe five or 10 minutes later—"click the 'submit' button and suddenly you are racially trained," or, "You are trained to deal with racial incidents," or, "You are trained to deal with communities from BAME backgrounds." I have a serious concern that those at the top of the police in all parts of the United Kingdom think that they are achieving what we want them to because they can say, "100% of our officers are trained in x," or, "We have ensured that this is done at the policing training college," in Tulliallan in Scotland or elsewhere.

If that training does not have a lasting impact among new recruits or officers, it is quite simply a waste of time, because we are not getting to the root of the problem and ensuring that we can enhance opinions. We have to look at the training element of all this, rather than trying to tick a box and saying, "It's done. Move on and concentrate on the rest." Again, we heard in evidence to our Select Committee that some tutors at those colleges were basically saying, "Do this bit and then we can get on to the exciting part of policing." That is basically saying: "You don't have to worry about it. You just have to do this to pass and then you move on to the rest."

Sandy Martin (Ipswich) (Lab): Does the hon. Gentleman agree that a really good training process will have enough leeway to ensure that people who do not make the grade do not end up as police officers and that in order to do that we need the resources to recruit slightly more police officers than we actually need?

Douglas Ross: That takes us to another level. In order to say to someone that they are not allowed to be a police officer because, in our interpretation, they have failed a test, we need to have a far more rigorous test. It cannot simply be this multiple choice exercise, which is completed online and submitted, and if a person gets above or below 50%, they are accepted or otherwise. If someone failed, and the tutors did not believe that they had met the racial training, we would have to look at why. Why would someone want to be a police officer and, when they get into a position of great power, use that power against the communities that we should all be there to support? I worry about that, but we do have to consider seriously how we train and recruit officers.

I know that Members representing English and Welsh constituencies discuss police numbers, but it is not an issue for them alone; we have the same in Scotland. Although I am grateful that the SNP Scottish Government agreed with the Scottish Conservatives in 2007 to increase

the number of police officers in Scotland by 1,000, it was an agreement that the two parties had to make to get the budget through at a time of a minority Scottish Government. That was a very important policy for the Scottish Conservatives to get enacted. We are always looking for more police officers, especially in my area, which is not in the central belt of Scotland. Moray, which was formerly policed by Grampian police, could always do with more officers to ensure that we can see more on the beat.

Janet Daby: I am really interested in what the hon. Gentleman is saying about the types of training that police officers should have. I very much believe that training needs to happen in every tier within the police force. I am interested to hear about other forms of training, about how he thinks that training should and could be delivered and about how it would be resourced. In Lewisham, an organisation called Second Wave engages with young men and women within the community. It is a drama group, but it delivers training for police officers and it pairs up training with new recruits. The organisation has been flagged up as providing excellent training and, clearly, it is something that we should consider further.

Madam Deputy Speaker (Dame Eleanor Laing): Order. That was a little long for an intervention.

Douglas Ross: The intervention may have been a little long, but it made a very valuable point. I thought that I might be seen as a little controversial tonight, but clearly I am not, as there seems to be agreement across the House that there are issues with the training. That is not to dismiss what is currently being done, but we could go further, and I think that that was the hon. Lady's point. Whether we are talking about her local group in Lewisham or others elsewhere, we must look at every way in which to educate. It should not be just a one off. We cannot say that an officer's racial equality training is done once they start their career. That person could be in post for 30 or 40 years, and, by the end of their career, they could be in a very senior position within the force. We should ensure that they undergo continuous development, not just a one-off training course, then saying, "That's it, done. Move on now to the next stage in your training."

I also want to look at the percentage of police officers both in Scotland and across the rest of the country from a black, Asian and minority ethnic background. Clearly, that is something that the Macpherson inquiry looked at with great interest, and something with which we are still trying to grapple. We have not achieved the successes in that area that we should have done. Again, going back to evidence in Scotland, the Coalition for Racial Equality and Rights states that 1% of police officers, police staff and special constables come from BAME background. That has remained pretty much unchanged for six years. Therefore, 1% of all levels within the police—whether it be police officers, police staff or special constables—come from BAME backgrounds. That compares with the fact that minority ethnic groups in Scotland now represent 4% of the population, which has doubled from 2% in 2001. These figures vary wildly in many parts of the country, but there are underlying issues that we need to consider. I mentioned figures elsewhere in the country, and figures for England differ in various parts. The Metropolitan police has 13% of officers from ethnic minority

backgrounds, but 43% of the population in the Met area is from an ethnic minority background, so we really do need to look at that for the future. We need a modern police force to reflect the diversity of a modern Scotland and a modern United Kingdom, and that requires an altogether different approach to recruiting officers and, crucially, retaining them.

I turn to other evidence that the Committee has received in our ongoing inquiry into the 20th anniversary of the Macpherson report. Although we have had only one oral evidence session, I have been looking at the written evidence submitted by groups including Liberty, which submitted a detailed response to our call for evidence. However, one response stood out for me and it was from someone called Mr Chris Hobbs, who wrote at the very top of his submission to the Home Affairs Committee:

"I have my doubts as to whether submissions from retired police officers such as myself, will be given due consideration or play any part in the HASC final report."

That is a sad reflection. Mr Hobbs attached an article that he wrote for an online newspaper some years ago, but his view was, "I'm not even going to bother submitting this because the Home Affairs Committee won't be interested." He felt that we would not be interested in his views because he was not from a BAME background. The message has to get out very clearly that we want the Macpherson inquiry to improve policing for everyone, not simply those from BME groups. They are crucial in this, but unless we listen to everyone in the police force, more anger will build up among officers who do not come from BME backgrounds as well as those who do. That piece of evidence shows that it is important for us to look at the whole policing sector.

Whether people agree or disagree with Mr Hobbs's submission—I am not saying what I think because I have not read the full article—he should at least be content to know that it has been received and will be considered. We may ultimately disagree with everything that he says in his submission and how it relates to the Macpherson inquiry, but we cannot and will not just completely ignore it.

Mr Hobbs makes one point in his submission that is outwith the article, saying that he does not know of any officer

"who does not wish to see more BAME officers recruited".

That is a positive element of his submission, but he also says that efforts to increase recruitment of every sector into policing is hampered by consistent negativity from politicians of all sides. I hope that we do not lower tonight's debate to that level.

I want to discuss the legacy of Stephen Lawrence and his death, which was mentioned by the Chair of the Home Affairs Committee in her intervention on the hon. Member for Nottingham North. When the Committee was hearing evidence, I asked Baroness Lawrence what we should consider and have in our minds every year when we recognise Stephen Lawrence Day, and Baroness Lawrence said, "Positives." She said that we should think about positives on Stephen Lawrence Day, and she continued:

"Stephen's name has helped to change society in a way that I do not think anything has done in a long time...Stephen was somebody who loved being at school. That is part of his life that was all positive. That is what we want to see young people trying to embrace—all the positive stuff... law has been changed because

of his name, but if we as a family had not pushed, none of that would have happened. As young people grow up, they need to see what you can do, and what difference you can make within society."

That was the compelling evidence of a family who have been grieving for decades and continue to grieve the tragic loss of their son, but who still want to see positivity at the end of that experience.

I looked for the family's reaction to the announcement that there would be a Stephen Lawrence Day, and Neville Lawrence—Stephen's father—said that the annual commemoration of Stephen's life is

"a mark of what we have been trying to do for years—our son's memory is going to be enshrined in history".

The English philosopher Francis Bacon said:

"In order for the light to shine...the darkness must be present."

The darkness of Stephen Lawrence's death will always be with his family and his friends, and with this country, but his legacy will continue to burn very brightly because of what he did in his all-too-short life and what his family have continued to do since his death.

8.50 pm

Marsha De Cordova (Battersea) (Lab): It is a pleasure to follow the hon. Member for Moray (Douglas Ross). I congratulate my hon. Friend the Member for Nottingham North (Alex Norris) on securing this important debate and thank the Backbench Business Committee for granting it.

I, too, pay tribute to Baroness Lawrence and Dr Lawrence for the time they have spent, when they should have been grieving for the loss of their son, in their tireless fight, for decades, in pursuing justice for him. They have been pursuing justice for their son Stephen but also for any other person whose life could potentially have been lost in exactly the same way. Their fight was for justice for their black son but also for black people across this country who, but for these attacks, would still be here. Doreen and Neville Lawrence's son was taken from them because of the colour of his skin. His murder was motivated by hate.

As the Macpherson report showed, Stephen was failed by institutions that should have been there to protect him, but also should then have investigated the murder and eventually brought the perpetrators to justice. He was failed because of the colour of his skin. As the report identified, it was due to institutional racism. While that phrase is common and well used now, back when the Macpherson report first came out it was probably the first time that it was introduced. The report said that the Metropolitan police force was institutionally racist—a damning indictment, and rightly so, of the establishment of the time. The inquiry was due to the courageous work that the Labour party did prior to coming into to power and the courageous Labour Government who called for it to take place. We should not forget the hard work that went into bringing about that inquiry.

I was still quite a young teenager when Stephen was killed. I was not in London—I lived in Bristol—but I remember it so clearly. We all remember the images of his parents constantly fighting for justice and for an inquiry to take place, but there had been no positive outcome. Having got to the point of having the report, which came up with 70 recommendations, it is quite unacceptable, and actually disgraceful, that 20 years on we are unable to measure where we are up to with those

[Marsha De Cordova]

recommendations. I will not repeat what my hon. Friend the Member for Nottingham North has already said, but I do hope that the Minister will address that point, because it is really important. If we are not going to audit and follow up on the report's recommendations, then what was the point in having it in the first place?

We have to salute the fight that Baroness Lawrence has continued, and I will continue to do so, but progress has been very slow. We saw that in the recent report by the London School of Economics, which showed that black Britons are stopped at more than eight times the rate of white Britons. That is just not acceptable. I appreciate that the police must do their job. As the representative of a constituency in inner London, I have had to experience the loss of life of three men in the past six months, and that has not been good. I went to see those families and I literally had no words for them because their children had been failed by the system.

We also have to look at the gangs matrix, because many see it as a form of discrimination or racial profiling—picking out young black men because they listen to a certain type of music or because they access certain social media. Although the Met's own figures show that just 27% of serious youth violence is committed by young black men, more than three quarters of those on the gangs matrix are black. There is a disparity there that obviously needs to be addressed. That racial discrimination was even condemned by Amnesty International on the grounds that it leaves Britain in breach of some of its human rights obligations.

But racism is not limited to Government Departments, or just to the Government. Although progress has been made, racism still exists in society. We saw that in the hostile environment policies that led to the Windrush scandal last year. When we introduce policies, it is important that they are fully tested and audited, with impact assessments carried out, because anything that disproportionately affects a particular group clearly is not right. We know from the Windrush scandal that people were deported in error, lost their homes in error and lost out on vital social security in error, and many are still paying the price.

Nobody in this House would say that we live in a post-racial society, because that is not the case. I encourage the hon. Member for Moray (Douglas Ross) and others to think about how we move forward from the Macpherson report, particularly for our young black men because they are disproportionately affected, particularly in London, by what happens in this House. We see it in the education system and we see it in our community services.

Many of us on both sides of the House, as well as people in my community and in the country at large, will be marking Stephen Lawrence Day. What Baroness Lawrence said is so important, because young people are the future. They are the next generation, and we must give them that future and that opportunity, and we must give them hope. It is our responsibility.

8.57 pm

Sir Edward Davey (Kingston and Surbiton) (LD): It is a great pleasure to follow the hon. Member for Battersea (Marsha De Cordova). Her concluding remarks about the importance of giving our young

people hope, and showing that we have made progress and learned the lessons of the past, is essential. I will talk about both the positives and the negatives as we assess the situation in our country, particularly with respect to the police and whether we have learned and implemented the lessons.

I pay tribute to the hon. Member for Nottingham North (Alex Norris). I was brought up in north Nottingham, so it is a privilege to hear his remarks. He and the members of the Home Affairs Committee do a good job in reminding us that we must continue to pay attention to these critical issues.

Inevitably, hon. Members on both sides of the House have paid tribute to Baroness Lawrence and Dr Lawrence, without whom this country would not have focused on these important lessons. Their bravery, courage, determination and persistence deserve huge tribute, and I know they have done it as a tribute to their son. We should thank them today.

As the hon. Member for Moray (Douglas Ross) said, Baroness Lawrence wants to know where the positives are, and it is important to mention some of the positives. Our country, particularly the capital, has seen so many murders by stabbing, and we are seeing some of the lessons learned from the Macpherson report applied to those appalling murder investigations.

In my constituency, two young men from black and minority ethnic communities have been murdered with knives in the past two years. I have witnessed how those murder investigations have been conducted, and lessons have been learned, and we have seen that in practice. Of course, I wish that there was no need for murder investigations at all, but they have improved by reaching out to the affected communities. Communities have been given confidence that there is genuine independence, that investigations are reviewed, and that there is a team approach as opposed to things coming down to one individual, which was part of what went wrong in the original investigation into the Stephen Lawrence murder. There has been some improvement, but of course we just wish there were not so many murders to be investigated.

The role of the family liaison officer came from the report and is incredibly significant, and some of our amazing FLOs do important work in managing the grief of a victim's whole family.

Sandy Martin: Does the right hon. Gentleman agree that much of the focus on the problems of gang violence and young people being targeted by criminals has fallen on the police force? However, an awful lot could and should have been done with youth and social services that might have helped to prevent some of the violence that we are seeing now.

Sir Edward Davey: I absolutely agree, and I am grateful to the hon. Gentleman for his intervention.

Some of the changes that we have seen are the mechanical and policy changes that were the least we could have expected. In reading the material 20 years on, my concern is that we still need some deeper changes, and they relate to culture and attitudes. We had a good exchange about training off the back of the speech from the hon. Member for Moray, and one problem with training is that it can be a tick-box

exercise and does not go deep enough and get to what is in people's hearts and minds. That applies not just to the police force, but to wider society.

I genuinely worry that the reason why we are not making progress in the police force is because we are not making progress in society, and I have to say that I feel that there is more racism today than there was a few years ago. I think we are going backwards, and that relates to how race is being portrayed in the media and—I am not going to bring Brexit into this—to some of the issues that may have contributed to Brexit. Some of those things have unleashed feelings and voices that I do not think we heard a few years ago, and that is regressive. As we mark this important anniversary and look to the police to do a lot better, we need to do better as a society. This is a deep issue.

While there has, of course, been progress and while we have seen some recommendations implemented, I am afraid that we have gone backwards in several areas. That is the truth. I look forward to the Home Affairs Committee's full report so that we can compare and contrast it with the report published on the 10th anniversary, and I wonder whether it will be as positive. According to the crime survey for England and Wales, only 50% of Black Caribbean people agree with the statement "police would treat you fairly" compared with 68% of white people. That is quite a big difference, and that is based on people's experiences.

Stop-and-search is being used more now than it was back when Stephen Lawrence was murdered, and parts of this House are putting pressure on Home Office Ministers to go back to using more stop-and-search as if it is the answer. We have huge amounts of evidence to suggest that stop-and-search is not going to find the criminals. If we are going to stop and search people, it is much better if it is intelligence-led, based on information that comes from the community and is gathered by community police officers and others working in the community, so that it is effective. I pay tribute to the Prime Minister—I do not always do that, as the Policing Minister will know—for being brave on this issue when she was Home Secretary. She made clear that stop-and-search was not the tool that the police force should use, because there was so much discrimination coming from it and so much ill feeling, given the much higher proportion of black people being stopped and searched. As we have this debate, we should remember Stephen Lawrence and be very careful before we reach for the stop-and-search tool as some sort of solution.

New technologies are being used that this House has not yet turned its attention to. At the moment, facial recognition techniques are not regulated, and this House has not debated the civil liberty issues around them. I am worried about that, because in the United States, where they have been used, there has been bias against black and ethnic minority communities in the way that those technologies appear to work. If we are going to update our understanding of racism in policing, we need to ensure that we apply the lessons of the past to the technologies of the future, so that they are properly regulated and not discriminatory.

In my intervention on the hon. Member for Nottingham North, I mentioned the real concern that at senior ranks—superintendent and above—there appears to be a disproportionate number of black and

ethnic minority police officers being disciplined. That is a worry, because there seems to be no reasonable explanation other than attempts by other officers to get in the way of those officers' careers. That is pernicious. I have not done a full study—that would require a lot of evidence, because it is such a serious allegation—but it needs to be looked at.

I hope the Minister can assure us that his Department and the police are taking those issues seriously, because if we do not ensure that black male and female officers are treated fairly and perceived to be treated fairly, we will not deal with this. We will not get the recruitment and retention. We will not get enough representation at a senior level, which is fundamentally the only way to solve this issue, and we will not give all our communities trust and confidence in their police force.

There has been progress, but I worry that it has stalled, and as it reflects wider society, it may even have gone backwards. We all know about and have debated at length in this Chamber in recent weeks and months the many challenges facing our country, our society and our police forces, but this issue has to come back on to the agenda, because it has slipped down, and it is our duty to ensure that it gets back up there. We must ensure that senior police officers, chief constables, the Met Commissioner and all those whose day-to-day responsibility this is understand and hear a message from this House loud and clear, cross-party, that we want them to take this even more seriously than they have in the past, that progress is too slow and that we want them to go further and faster.

When we talk to black and ethnic minority communities about the police, they often say that they are over-policed and under-protected—I am not the first to use that phrase. We cannot accept that combination. We cannot allow a group in our population to feel that they are targeted and yet not protected. Figures show that they are often more likely to be the victims of crime. I go back to the appalling knife crime we are seeing, particularly in the capital. It is black and ethnic minority young people—often, young men—who are most likely to be the victims, and they therefore deserve more protection and more attention in a very sensitive way.

I hope that, as a result of this debate, the House will come together and send a clear signal to Ministers and to police authorities across the country.

9.10 pm

Kate Osamor (Edmonton) (Lab/Co-op): I thank my hon. Friend the Member for Nottingham North (Alex Norris) for securing this important Back-Bench debate. It is important to start by paying homage to Baroness Lawrence and Dr Neville Lawrence for their tireless campaigning to bring the murderers of Stephen, their beloved son, to justice.

Since the publication of the Macpherson report, some advances have been made on its recommendations. Unfortunately, however, the data and lived experience of the BAME community suggest that the question of institutional and structural bias, which was the focus of the Lawrence inquiry, is still very much the question for us today. I will be using my speech to address the

[Kate Osamor]

increasing problem of the disproportionality of stop-searches. I am advocating recommendation 61 of the Macpherson report on the provision of a record of all stops and stop-searches.

I do welcome the reduction in the number of stop-searches and the attempts to make their use more intelligence-led, but—and this is a big but—data since 2010 has raised difficult questions about just how far law enforcement has really come since the Lawrence inquiry. In summary, while total numbers of stop-searches have fallen, disproportionality in the stop-and-search rate has dramatically increased when it comes to black people. They are more likely to be arrested as a result of stop-and-search, yet the find rate of stolen or prohibited items is similar for all ethnic groups. The work of StopWatch has been invaluable in collecting the data to show this.

According to “Police powers and procedures, England and Wales” statistics, at the time of the Lawrence inquiry, black people were stop-searched at between three and four times the rate of white people. However, in 2016-17, it was almost eight times the rate. For Asian people and those who self-identify as mixed, the rate was twice what it was for white people. While stop-searches were at relatively modest levels among the white population in the past, their experience of it on average has plummeted. The scale of the disproportionality experienced by BAME communities indicates that the enduring use of stop-and-search powers is more heavily concentrated on black and minority ethnic groups. Many Members in the House today have reiterated what I have said.

In London, unfortunately, the variations across boroughs point to discrimination. While the overall rates of stop-and-search are highest in the more deprived boroughs, disproportionality is highest in the relatively wealthy and affluent boroughs similar to Richmond. People are subjected to punitive actions, and I say “punitive” in a very passionate way, because I represent Edmonton. Unfortunately, in Edmonton—the right hon. Member for Kingston and Surbiton (Sir Edward Davey) spoke about the loss of life—it is almost inconceivable how young families are trying to bring themselves together when one of their own children is taken in such a traumatic way.

We need to take this seriously. Yes, we need to use intelligence when we are stopping and searching anybody, but we cannot disproportionately target one community when that same community is more likely to be caught up in some kind of violent act. We need to find a way to support the community and to train the police so that we can work together, because one life is too many, and we should not be having the figures we have at the moment.

Black people have been singled out for suspicion, and the pattern is consistent with ethnic profiling. People from black and other minority ethnic groups tend to live in areas of high deprivation, in relatively large numbers, because of a variety of socioeconomic factors. Concentrating stop-and-search in boroughs with high levels of deprivation fuels disproportionality and entrenches stop-searches and police intervention. This is the lived experience for many communities, especially BAME communities. That high rate of stop-searches reflects proactive policing that often strays into over-policing in

those areas, whereas more affluent areas simply experience a more reactive approach from the police. Over-policing and the effects of disproportionality mean that young black people often run out of police cautions or warnings much faster than their white peers in more affluent areas, which results in the police resorting to arrests for petty infringements.

The Government have not acknowledged that disproportionality, which gives rise to the concern that some are in denial. Indeed, the concerted efforts of some to deny that such bias exists, in the face of overwhelming statistical evidence, make me worry that perhaps we are regressing rather than continuing to move on with the recommendations made in the Macpherson report and in the 2009 Select Committee on Home Affairs report on progress made.

One key way in which that regression may already be happening is through the use of body-worn cameras. Yes, their use can be extremely helpful in holding to account all parties involved in an incident, and especially in keeping a record of a police intervention. However, their use has also precipitated a change in police procedure. Before their introduction, the person stopped was given a copy of the record of the stop-search and, most importantly, the reason why the power had been used. Now, however, officers can simply provide a receipt if the record is made electronically or via their radio. That practice disempowers the person stopped and strips them of the reason for their interaction with law enforcement. This poor practice must be eliminated.

I put it to the Home Secretary and the Minister that, given the evidence, it is time for primary legislation. The Home Secretary’s predecessor, now the Prime Minister, said in 2014 that if ratios did not improve considerably, “the Government will return with primary legislation to make those things happen, because nobody wins when stop-and-search is misapplied.”—[*Official Report*, 30 April 2014; Vol. 579, c. 833.] The disproportionality of stop-searches has shot up and stop-to-arrest has not improved. I say to the Government that it is now time for primary legislation urgently to address this palpable racial injustice.

9.18 pm

Joanna Cherry (Edinburgh South West) (SNP): I start by paying tribute to the hon. Member for Nottingham North (Alex Norris) for securing this debate on this important anniversary.

No family should ever have to go through what the Lawrence family went through, by which I mean not just the racist murder of their son but the way in which the police responded—or failed to respond properly for many years—to the crime. I am privileged to work alongside Baroness Lawrence on the Joint Committee on Human Rights. To prepare for today’s debate, I read the evidence she gave earlier this month to the Home Affairs Committee inquiry. Other Members have referred to it already, but I believe that the things she had to say should be very important takeaways for us and that they are matters on which the Minister should consider taking action.

Baroness Lawrence said that if she were writing the report today, the thing she would focus on most is education, and the second would be the importance of training the police to do their job properly. She said that unless we start educating our young people to live their best lives, things will not improve. During the course of the evidence session, the right hon. Member for Normanton,

Pontefract and Castleford (Yvette Cooper), the Chair of the Committee, raised a point about education, saying that

“the figures show that black graduates are significantly less likely to achieve firsts or 2:1s than white graduates, even when you take account of prior attainment and A-levels and so on, and also are more likely to drop out. That sounds like a pretty big problem for universities.”

That is a problem universities need to address. If one reads Baroness Lawrence’s evidence carefully, that was the sort of thing she was getting at.

Baroness Lawrence highlighted the police’s lack of empathy at the time the crime was first being investigated—I use the term loosely, because the initial investigation was woeful. She said:

“We had just lost our son. When they came to the house, which was quite regularly, they were not interested in giving us information about how the investigation was happening. That was what we wanted to know, but it was just about the information that we were giving them.”

She also said:

“We were treated as criminals.”

There was an assumption that because Stephen was a black boy he must have been a criminal. Empathy and respect for human dignity should be at the heart of all police work, but it was not in the case of Stephen Lawrence, at least not until much later in the day and then only in the case of certain individual police officers.

My hon. Friend the Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald) made the point during the Home Affairs Committee evidence session that although the term “institutional racism” has been very helpful in making us as a society understand what went wrong in the Lawrence case, it should not be used to absolve individuals from their culpability of what went wrong. That includes individuals within the police force, as well as those who originally perpetrated the crime.

It is worth pausing to note that this was a racist crime. There seems to have been language surrounding it that fits with the language of the far right. Let there be no doubt: the far right is on the rise again in the United Kingdom, and we must very much guard against that.

I wish most strongly to pay tribute to Baroness Lawrence and Neville Lawrence for their dignity and their tenacity in their fight for justice. Tribute should also be paid to the 1997 Labour Government, who had the gumption to institute the inquiry. Often now, when we are looking at public inquiries, for example the inquiry into the Grenfell fire, we look to the broad terms of reference of the Macpherson inquiry as guidance on what is ideal.

I want to say a little about the response in Scotland to the issues that came out of the Macpherson inquiry. Shortly after the report was published, the then Scottish Executive were quick to create an action plan to take forward the relevant Macpherson recommendations in Scotland. Even now, the Scottish Government recognise that it is their responsibility to ensure that what happened to Stephen Lawrence and his family could never happen in Scotland. We must not ever be complacent about that, or assume that any Government or society has a monopoly on doing the right thing. Institutional racism can be found across our society, as can individual instances of racism.

The Scottish Government have taken on board lessons in relation to the importance of supporting the victims of crime and of fighting knife crime, which is such a scourge in our society across these islands. Over the past 20 years, and particularly the past 10 years, the Scottish Government have been at the forefront of putting the rights of victims and vulnerable witnesses at the heart of the criminal justice system. They continue to do so. The new victims taskforce has been set up, chaired by the Scottish Justice Secretary, to improve victims’ experience of the justice system.

The Scottish Government have also taken action to address hate crime. I am pleased to say that racially motivated crime in Scotland has, according to the statistics, decreased by 29% since 2011-12. In June 2017, the Scottish Government published an ambitious programme of work to tackle hate crime and build community cohesion across Scotland, and they have worked with Police Scotland to develop the data that they hold on hate crime, with a report due to be published later this year.

The Scottish Government have also worked to ensure that education plays its part in advancing equality and tackling discrimination and hate crime. Clearly, the importance of education was something that Baroness Lawrence highlighted in her evidence to the Home Affairs Committee. On 15 November 2017, a national approach to anti-bullying for Scotland’s children and young people was published. All schools are expected to develop and implement an anti-bullying policy, in line with the “Respect for All” policy, which should be reviewed and updated regularly.

At present, England and Wales, and particularly this city of London, face an enormous problem with knife crime. There have been many tragic instances of murder across this great city of London in the last year. It is well known—we have had many debates about this in the Chamber recently—that in the past, Scotland faced a terrible problem with knife crime, and that the public health approach to tackling violence advocated by the World Health Organisation, which has been adopted in Scotland, has worked greatly to reduce the incidence of knife crime in Scotland. I am absolutely delighted that so many representatives of this city—from the Met police to the Mayor to members of the British Government—have been up to Scotland to look at the public health approach to tackling violence. It really has brought amazing results in Scotland, and it is clearly effective when we look at the fact that violent crime in Scotland has decreased by 49% over the last decade.

I would not wish to be thought to be at all complacent about the position in Scotland. There are things that we could do better, and we must all work to do better. However, today’s debate is specifically about following up on the recommendations of the Macpherson report, and it is clear that there is concern throughout the Chamber that perhaps the extent to which the recommendations have been implemented has not been adequately measured, so I would like to know what the Minister is going to do about that. Will he also take a leaf out of the Scottish Government’s book in dealing with the victims of crime and tackling knife crime? Finally, will he tell us what the Government are doing to make sure that the rise of the far right across the United Kingdom does not mean a return to the sort of ghastly crime that took the young Stephen Lawrence’s life?

9.28 pm

Ms Diane Abbott (Hackney North and Stoke Newington) (Lab): I congratulate my hon. Friend the Member for Nottingham North (Alex Norris) on securing this very important debate. There is no question but that the Macpherson inquiry changed the way that the state spoke about race. At 350 pages, with 88 witnesses and 100,000 pages of evidence, it was a game-changing report, but it was called “The Stephen Lawrence Inquiry”, and it is the death of Stephen Lawrence that I turn to now.

People forget—or perhaps they were not in the House then—that the death of Stephen Lawrence was one of a series of deaths of young black men in south-east London at that time. This was partly related—some of us think—to the fact that the British National party had its headquarters in Bexley. In 1991, Rolan Adams was stabbed to death by 12 thugs. Only one of them was ever convicted. In 1992, a 16-year-old, Rohit Duggal, was also killed as a consequence of a racist attack. In the months after Stephen’s death, 19 people were injured in a brawl outside the local BNP headquarters.

At that point, Stephen Lawrence’s death made no impact in the wider society. I give the *Daily Mail* genuine credit, because it took Paul Dacre’s extraordinary front page to make it a subject that the wider society took up. In the black community, however, there was tremendous feeling about it from the beginning, because we knew it was part of a series of deaths of young black men.

Stephen Lawrence died in 1993, and later that year I was the first person in the House of Commons to make a speech about his death. I said:

“The black men and women who came to this country in the 1950s and 1960s went through difficult times and had to work hard to keep themselves and their families together. They always believed...that, for their children, times would be better...Therefore, the recent spate of killings of”

young black people

“and the killing of Stephen Lawrence in particular is distinctly cruel. Black”

young people are being killed

“in a way that makes it look as if society is throwing a community’s hopes back in its face.”—[*Official Report*, 21 May 1993; Vol. 225, c. 541.]

That was the feeling in the black community at the time. It did not get coverage in the national papers until the *Daily Mail* took it up, and it was not an issue in this House, but people felt very strongly about it.

For several years, Doreen and Neville Lawrence campaigned on the issues, and it was hard going, because there was little interest. They went to court, and they lost. They organised demonstrations and they lobbied their local MPs. They never gave up. The thing I remember most vividly about the aftermath of the death of Stephen Lawrence is taking Doreen to see my colleague Jack Straw, then Member for Blackburn and shadow Home Secretary. It was the last thing that Doreen could think of to do. We went with other Members of colour, including the then Members for Tottenham and for Brent, South.

I remember talking to Jack Straw before the meeting, and he was actually more interested in issues of diversity than was common at the time. I hope he will not mind my saying that he was a little sceptical about the Stephen Lawrence case, because the Met police at the time were

really sceptical. I went into that meeting with my colleagues and Doreen, and she turned Jack Straw around with her passion, her commitment to justice for her son and her fixity of purpose. Jack Straw started that meeting a little sceptical and he came out committed to a public inquiry. No sooner had Labour been elected in 1997 than he delivered on his promise. He gave Doreen her inquiry.

When the inquiry was set up, it was to be led by Judge Macpherson, and some of us asked, “Who is this establishment figure? What kind of report are we going to get?” In fact, it was an amazing report that transfigured the debate. If it has not been implemented in the way that I would have liked, that is no criticism of Judge Macpherson. It shows that sometimes an establishment figure leading an inquiry can have rather good results.

The extraordinary thing is that the Labour Government gave Doreen her inquiry, and it was an important and well thought-out inquiry. The sad thing has been the lack of progress since the Macpherson inquiry. Chief Constable Jon Boucher is the lead on race and religion for the National Police Chiefs’ Council, and he has said:

“My challenge to policing is that the pace of change is too slow, since Macpherson. In my view it could have been faster. I think it’s about commitment at a senior leadership level. I don’t accept that everything has been done...There have been the words, but not the actions. We need to make sure we have words and actions.”

Marsha De Cordova (Battersea) (Lab): My right hon. Friend is making a fantastic speech. Does she agree that there are still problems in the Metropolitan police force, and that it is probably accurate to say that more work needs to be done to ensure that any form of institutional racism is eradicated from the Met?

Ms Abbott: I agree that there is more work to be done. Chief Constable Jon Boucher also said that race was continually at the heart of the biggest issues facing policing. He spoke about the disproportional over-targeting of black people for stop-and-search purposes which was referred to by my hon. Friend the Member for Edmonton (Kate Osamor), about knife crime, about female genital mutilation, about honour-based violence, about modern slavery and about terrorism. He said:

“Race is at the core of so much, we should always have race as a priority regarding representation and community confidence. Race has not continued to be the priority that it should have over the last 25 years.”

That was said by a chief constable, not by some dangerous black radical.

There has been progress, and the narrative is different now. Phrases such as “institutional racism” can be used, and people understand what they mean. The phrase “institutional racism” does not imply that every single individual in an individual in an institution is racist; it means that there are ways in which a certain institution works. However, there has not been enough progress. People forget that after Macpherson, police chiefs from the 43 forces in England and Wales agreed on a Government target: there must be the same proportion of black officers in their ranks as in the community that they served. They were given a decade in which to achieve that, but none of them ever did so.

My hon. Friends have identified a number of issues that arise from any consideration of Macpherson, such as the use of the gangs matrix, in which young black men are disproportionately racially profiled, and the

use of stop and search. Labour Members believe in evidence-based stop and search, but its random use has done more to exacerbate bad relationships between the police and the community than anything else. We continue to insist that evidence-based stop and search is one thing, but random stop and search is another. It is all too easy for politicians so say, in the face of a crime wave, “Let us have more stop and search”, but we must insist on its being evidence-based. My hon. Friends have spoken about the importance of recruiting more policemen of colour, the issue being that members of police forces should look like the communities that they serve. There is also the long-standing issue of the promotion possibilities for black policemen.

Macpherson was probably one of the most important events in my lifetime in the context of the debate about race. It has changed the way in which we talk about race, particularly in relation to policing. It is a tribute to Doreen Lawrence for her tenacity, her courage and her persistence that we ever had a Macpherson inquiry. However, there is more to do. We cannot be complacent. Because race is at the heart of many of the issues involved in policing and community safety, we need to look again at those recommendations and proceed with their implementation.

The Macpherson inquiry threw down a gauntlet to society about race. We must pick up that gauntlet, and fulfil the promise of that important inquiry.

9.39 pm

The Minister for Policing and the Fire Service (Mr Nick Hurd): The hon. Member for Nottingham North (Alex Norris) speaks with a directness and passion that I have grown to respect, and I congratulate him, and the Backbench Business Committee, on securing the time for this debate.

The debate connects us on a human level with the night of 22 April 1993 and a young black boy, 18 years old, standing at a bus stop in south-east London dreaming of being an architect murdered, apparently for the colour of his skin, with no provocation at all. It connects us with the story of an extraordinary family, Baroness and Dr Lawrence, and their journey from that point over so many years to pursue the truth, to pursue accountability and to pursue justice, not just for Stephen but for all victims of racism, and the extraordinary journey from 1993 to January 2012 when Gary Dobson and David Norris were finally tried and found guilty of the racist murder of Stephen Lawrence.

I join all Members of Parliament who have spoken and expressed their admiration for the family, not least my hon. Friend the Member for Moray (Douglas Ross) and the hon. Members for Battersea (Marsha De Cordova) and for Edmonton (Kate Osamor) and of course the right hon. Members for Kingston and Surbiton (Sir Edward Davey) and for Hackney North and Stoke Newington (Ms Abbott). I thank the right hon. Lady for sharing with us this evening, because clearly she was personally directly and very closely involved with this, and her speech was incredibly valuable for me, not least in reminding me that Stephen Lawrence’s murder needs to be put in the context of what else was going on at that time in London. This has been an excellent debate.

The Chairman of the Select Committee, the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper), is no longer in her place, but I congratulate

her and the rest of the Committee on bucking us up on this issue, because the timing could not be better to put the Government again under scrutiny and to make them accountable for delivery and us as a Parliament for the progress we make. Underlying this is the question of what kind of society we are and want to be, and the progress we are making towards that goal. As many Members have pointed out, the circumstances keep changing; the challenges evolve and some of the circumstances we are facing now, whether it be the emergence of the far-right or the terrible cycle of serious violence that we are trying to manage at the moment, mean that this situation and set of challenges are not going away, and we need to redouble our commitment to bear down on them.

The Chairman of the Select Committee talked about the legacy of Stephen, as did many others, and of course part of that legacy is the work of the Stephen Lawrence Trust. I hope that the inaugural Stephen Lawrence day on 22 April will be a wonderful success, and certainly my Department and I personally will do everything we can to make sure not least that the police engage in the most constructive and positive way with that day. The theme not just of commemorating the life and legacy of Stephen but also encouraging and supporting young people in the achievement of their dreams and living their best lives—as the hon. and learned Member for Edinburgh South West (Joanna Cherry) said, reminding us of the language of Baroness Lawrence—presents an important opportunity, and we must seize it and do that day proper justice.

As Stephen’s dad said, arguably Stephen’s most important legacy is the inquiry and the Macpherson report. We are used in this place to the power of words, but in a 350-page report two words have stood the test of time: the bombshell judgment of the Metropolitan police as “institutionally racist” was seismic in its impact not just on the police but on the establishment as a whole, because, as many have pointed out, of course underlying this story is a systemic failure to protect a young man and support a family and all the issues that raised.

We know from our experience in this place that reports come and go and few touch the sides or stand the test of time, but the Macpherson report does. The fact that a Minister is standing at the Dispatch Box being held to account for ongoing delivery against those recommendations 20 years later tells its own story about the importance of this report. I can confidently predict that the House will revisit this, not just in the immediate term because of the Home Affairs Committee but because the underlying issues are so important and systemic and because, as the hon. Member for Battersea rightly said, we do not live in a post-racial society. We must continue to revisit this and hold ourselves to account on this issue.

I am delighted to be at the Dispatch Box talking about this now. As most speakers have said, there are things to feel positive about. Looking through the recommendations this morning, I could see that 68 of the 70 had been implemented either in part or in full, but I look forward to the process of scrutiny by the Home Affairs Committee. The Home Office will certainly listen carefully to whatever recommendations it might make on the ongoing transparency surrounding the implementation of the recommendations.

As I am sure most Members will acknowledge, implementing recommendations in part or in full is one thing, but their having an effect is a different matter.

[Mr Nick Hurd]

That involves a different set of judgments. I believe that a lot has changed in police attitudes and processes, and I was encouraged to hear others speak of this as well, not least the right hon. Member for Kingston and Surbiton, who talked about tragic murder investigations in his constituency and about family liaison officers. My perspective on FLOs is as the Minister with responsibility for Grenfell victims. If I look back on the past difficult, dark and turbulent 18 months, and I look at the things that have gone right, I see the network of FLOs and support that they have given to bereaved families in the most traumatic circumstances. They have done an absolutely marvellous job in the most difficult circumstances.

When I look at our approach to hate crime, I also see an increased sense of responsibility and professionalism in the police in terms of identifying hate crime and racially aggravated crime. I believe that I can see progress there as well. So there is much to be positive about, but we must be very candid in recognising that there is so much more that needs to be done, not least to build confidence—a word used a lot by my hon. Friend the Member for East Worthing and Shoreham (Tim Loughton) tonight—and trust in our criminal justice system. I actually genuinely believe that it is colour blind, but there are too many people in this country who do not. That is at the heart of this challenge.

This Government have not taken their eye off the ball on race. I take pride that, under this Prime Minister, we are, I think, the first Government in the world to conduct a race disparity audit. This will provide an invaluable tool for this process in the form of transparency, data and evidence that is open to scrutiny, to comparison and to measurement of progress. In my experience, it is that uncomfortable light that gets institutions moving. The race disparity audit is incredibly important, and one of the most uncomfortable lights that it throws is on the police.

We have heard many contributions to the debate about stop and search, not least from the hon. Member for Edmonton. She and other Opposition Members have a tremendous understanding of and sensitivity to this issue. I was delighted to hear praise for the Prime Minister's personal leadership on what has arguably been the biggest reform of stop and search in its history. It was clearly being used in an absolutely disproportionate way, but we are not going back to the bad old days when more than 1.3 million were stopped but only 8% of them were arrested. The reality is that, although the figure has gone down to 300,000, it feels as though people have lost confidence in this important tool in the police box. The Government are trying to rebuild confidence in the police and their use of stop and search, but its use must continue to be intelligence-led and to have great transparency, enhanced by the use of body-worn video.

Another area in which I take pride is the progress we have made on increasing the accountability of the police. Again, without that accountability it is hard to make progress. The introduction of police and crime commissioners is a positive. The increased transparency on the performance of the police is a positive. The reform of the police complaints system is a positive. The enhanced role of the College of Policing in providing support and training is a positive. I congratulate the

Police Superintendents Association on its leadership in providing mentoring services to several hundred police officers from BME communities across the country to help them with the issue of progress.

Let me say something about the issue that most Members spoke to—diversity. For me, diversity in policing matters enormously, because it is not just about social equality and equality of opportunity, and Peelian principle 7 of the police needing to represent and reflect their communities; it is also about the competition for talent and making sure that our police service has the ability to recruit the best, because policing has changed and we need to be sure that our police service recruits from the widest possible pool of talent. The point I would make to the shadow Home Secretary and those who say we have not made enough progress is that they are absolutely right: we are nowhere near where we need to be on diversity in policing. The right hon. Lady rightly references Bedfordshire police. What is interesting about Bedfordshire police, the Met and the West Midlands and Manchester police is that when we look at where positive action is deployed, within the law, and with the right leadership, resources and plan, the needle moves—it is extraordinary, but this is not rocket science. Bedfordshire has doubled the participation of BME officers in that force in a short number of years—it can be done.

Some will argue that we need to go further, beyond positive action to positive discrimination, and change the law. The Government are not in that place at the moment, because the leadership in the police are convincing us that they are serious about this. For the first time we have a national diversity strategy that all chiefs have signed up to. That is important because of the point that Jon Boutcher was making about the need for leadership from the top. The police is a compliance culture; the right hon. Member for Kingston and Surbiton (Sir Edward Davey) talked about culture and that comes from the top in policing. The fact that every police chief has signed up to this strategy gives me some encouragement. My role and that of the Home Secretary is to hold them to account on delivery, and we have made it clear, through the various roundtables at which we have sat down with them, that if we do not see quicker delivery on this, we may have to rethink our strategy. This is that important to the building and maintenance of trust in our policing, particularly in those communities where that trust is lower than the national average—the BME communities.

I wish to make one other point before we hear again from the hon. Member for Nottingham North. This is not just about recruitment, retention and progression; there is also something that needs to be addressed in respect of the cases of discrimination against police officers. Next week, I am meeting PC Nadeem Saddique, a firearms officer who waited 16 years for justice in terms of his claims about racist abuse by fellow officers in Cleveland police. That is absolutely unacceptable to me, so there is something also about the combating of discrimination within police forces and the lack of consequence for those found guilty of it that concerns me.

In summary, the Macpherson report was a watershed report. It was absolutely seismic in its impact. I congratulate Jack Straw, the then Home Secretary, on his initiative and leadership at the time; this was absolutely the right decision and it was one of the biggest he took as Home Secretary, as he said. It is the responsibility of successive Governments, of whatever colour, to constantly revisit

not just the implementation of the recommendations, important as that is, but their impact and effect, because at the heart of this is a debate about the tolerance and inclusiveness of our society, and the key institutions that we depend on for our safety and protection. They failed Stephen Lawrence. They failed the Lawrence family. There are still too many instances of failure around the system. We have not made as much progress as we need to. We need to be constantly vigilant and to redouble our commitment, as the hon. Member for Nottingham North suggested. With that commitment on behalf of the Government, I hand it back to him.

9.54 pm

Alex Norris: To quickly sum up, I thank the Backbench Business Committee for its support in securing this debate and the Home Affairs Committee for its support in its execution, and also their Chairs, my hon. Friend the Member for Gateshead (Ian Mearns) and my right hon. Friend the Member for Normanton, Pontefract and Castleford (Yvette Cooper). Both have given me extraordinary guidance throughout my time here, but especially for this debate.

I would also like to put on record—I am not sure whether it is in order for me to do so, Mr Speaker, but sometimes it is better to ask for forgiveness than permission—my thanks to the Clerks of both Committees, but especially the Home Affairs Committee. They are an outstanding bunch of people and professionals, and I really appreciated their support.

I also thank the Government for finding time for this debate. I wondered whether it would get in in a timely manner, but I take the fact that it did as a sign of good faith. It would have been easy for that not to have happened, so I appreciate that too.

I particularly thank colleagues for their contributions, including my hon. Friends the Members for Battersea (Marsha De Cordova) and for Edmonton (Kate Osamor) and, from other parts of the House, the right hon. Member for Kingston and Surbiton (Sir Edward Davey) and the hon. Member for Moray (Douglas Ross). The hon. Gentleman said in the Committee, and again today, that he felt that he grew up with this case. He is just a year older than me, although perhaps no one could tell by looking at him—I think there is something in the highlands and islands fresh air that gives him eternal youth. I also feel that I grew up with this case, but I do not want to grow old with it. I hope that long before then we will show that we have delivered.

I was interested to hear from the SNP Front Bench about what has worked in Scotland and to hear a positive plug for a public health approach to knife crime. We cannot say that loudly enough. I strongly believe that we need to build a rock-solid consensus around that.

From our Front Bench, we also heard from my right hon. Friend the Member for Hackney North and Stoke Newington (Ms Abbott). Her leadership on this and similar issues, not just over the last 20 years but over many years preceding that, is something that I look up to and that we cannot applaud enough. It was eerie to hear her words from two decades ago, because I am afraid they resonate down the years, which is why it is still important that we talk about this today. During the debate I was sent a message from someone basically saying, “What a stupid topic to talk about. Why don’t

you focus on something more important?” Modern technology is unique in allowing people to feel inadequate in real time about how they are doing their job. However, as we heard from the words of my right hon. Friend from the Front Bench, as well as many others, this is a case that echoes down the years. If we continually fail to learn the lessons, we will continually seem to get these tragedies. That is why it is important that we talk about this issue today, and I make absolutely no apology for it.

To conclude, I was pleased to hear from the Minister for Policing about the figure of 68 out of 70. He very much invited the scrutiny of the Committee, and that is what he will get. We will get into that detail and report, and I would be interested to hear the response once we have, because I am not quite sure how we would know that the figure was 68 out of 70. I would be grateful if that could be clarified, because certainly in three weeks of trying I have yet to find a marshalled list of progress made, so it would be wonderful if that could be shared.

This has been an exceptionally high-quality debate, and I appreciate the contributions of all hon. Members. It has shown us at our very best.

Question put and agreed to.

Resolved,

That this House notes the twentieth anniversary of the publication of the Macpherson Report on the Stephen Lawrence Inquiry on 24 February 1999; and calls on the Government and all in public life to renew their commitment to fulfilling the recommendations of the Macpherson Report.

Business without Debate

Mr Speaker: With the leave of the House, I propose to take motions 4 to 11 inclusive together.

DELEGATED LEGISLATION

Motion made, and Question put forthwith (Standing Order No. 118(6)).

EXITING THE EUROPEAN UNION (PESTICIDES)

That the draft Plant Protection Products (Miscellaneous Amendments) (EU Exit) Regulations 2019, which were laid before this House on 13 December 2018, be approved.

EXITING THE EUROPEAN UNION (AGRICULTURE)

That the draft Pesticides (Maximum Residue Levels) (Amendment etc.) (EU Exit) Regulations 2019, which were laid before this House on 13 December 2018, be approved.

EXITING THE EUROPEAN UNION (MERCHANT SHIPPING)

That the draft Merchant Shipping (Marine Equipment) (Amendment etc.) (EU Exit) Regulations 2019, which were laid before this House on 16 January, be approved.

EXITING THE EUROPEAN UNION (FINANCIAL SERVICES)

That the draft Packaged Retail and Insurance-based Investment Products (Amendment) (EU Exit) Regulations 2019, which were laid before this House on 9 January, be approved.

EXITING THE EUROPEAN UNION (FINANCIAL SERVICES)

That the draft Financial Regulators’ Powers (Technical Standards etc.) and Markets in Financial Instruments (Amendment) (EU Exit) Regulations 2019, which were laid before this House on 29 January, be approved.

EXITING THE EUROPEAN UNION

That the draft European Union (Withdrawal) Act 2018 (Consequential Modifications and Repeals and Revocations) (EU Exit) Regulations 2019, which were laid before this House on 29 January, be approved.—(*Iain Stewart.*)

Question agreed to.

COMMITTEE ON STANDARDS

Ordered,

That Liz Twist be added to the Committee on Standards.—(*Iain Stewart.*)

COMMITTEE OF PRIVILEGES

Ordered,

That Sir Kevin Barron be discharged from the Committee of Privileges and Liz Twist be added.—(*Iain Stewart.*)

Mr Speaker: With the leave of the House, I propose to take motions 12, 13 and 14 together.

ENVIRONMENTAL AUDIT COMMITTEE

Ordered,

That Joan Ryan be discharged from the Environmental Audit Committee and Alex Cunningham be added.—(*Bill Wiggin, on behalf of the Selection Committee.*)

HUMAN RIGHTS (JOINT COMMITTEE)

Ordered,

That Alex Burghart be discharged from the Joint Committee on Human Rights and Scott Mann be added.—(*Bill Wiggin, on behalf of the Selection Committee.*)

PUBLIC ADMINISTRATION AND
CONSTITUTIONAL AFFAIRS COMMITTEE

Ordered,

That Sandy Martin be discharged from the Public Administration and Constitutional Affairs Committee and Eleanor Smith be added.—(*Bill Wiggin, on behalf of the Selection Committee.*)

Instrumental Music Tuition

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

9.59 pm

Douglas Ross (Moray) (Con): When I informed constituents that I had this debate tonight, I said that it could start before 10 o'clock. I see that we have an extra 40 seconds for tonight's Adjournment debate, which I will make sure that I use to their full effect.

It is a pleasure to lead tonight's debate on the importance of instrumental music tuition for young people. I should say from the outset that I have no real link to this subject, having absolutely zero musical talent. At school, I went through various different instruments to try to find the one that I could adopt to play, but all to no avail. In the end, the only instrument that I was entrusted with was the triangle and, if I do say so, I think I am a pretty good triangle player, but that is another story.

Despite my own lack of ability, it is clear that, as MP for Moray, I represent an area rich in musical talent. In my time as a councillor, an MSP and now an MP, one of the most enjoyable invitations that I receive is to the concerts of the Moray Schools Youth Orchestra and Training Orchestra.

Nick Thomas-Symonds (Torfaen) (Lab): I warmly congratulate the hon. Gentleman on leading this debate on a very important issue. I am sure that he agrees that nobody should ever be priced out of music tuition, which is absolutely vital. Will he also join me in congratulating many brass bands, including Blaenavon band in my constituency, that also do so much to engage young people in music?

Douglas Ross: I am grateful to the hon. Gentleman for that intervention. I will come on to the issues about fees and potentially prohibiting people from enjoying music to its full effect. The brass band in his constituency and those in constituencies across the country do great work, engaging young people and people of all ages in music.

I was just saying that the most enjoyable invitations that I receive are to the concerts of the Moray Schools Youth Orchestra and Training Orchestra. It is clear that the hard work and dedication of all the pupils and the instructors always leaves the audiences calling for more. In particular, the summer concert is the culmination of a week of training and guidance by the instructors and Nigel Boddice MBE, with the concerts at the end of the week always proving extremely popular. It is clear how much the young people develop over that week, and how the skills they learn will stay with them for a lifetime.

I applied for this evening's debate after the SNP-led Moray Council proposed increasing the cost of music tuition in Moray by a staggering 85%. As this is both a devolved issue in terms of council funding and a local council matter, I had opponents saying that I should not get involved. However, as a Member of Parliament, I think my first duty is as a representative, and when a huge number of parents, constituents and pupils contacted me to protest against these charges, I felt that I had to show my support in some way.

Jim Shannon (Strangford) (DUP): I thank the hon. Gentleman for giving way and I congratulate him on bringing this matter forward. Does he not agree that funding cuts to schools have meant that many schools have had to cut their additional programmes, and that music very often is the first to go? More Government emphasis and dedicated funding to schools will ensure that people whose parents cannot afford to pay for private lessons have at least an avenue to see children introduced to the wonderful world of music. I know some people in my constituency who had an opportunity at school to learn music, and who are now talented people who can earn an extra income. Those are the possibilities that exist for those who have the opportunity.

Douglas Ross: I am very grateful for that intervention by the hon. Gentleman who is an assiduous participant in these Adjournment debates. He raises two or three issues that I am going to come on to in the remainder of my speech about ensuring that we do not price people out of music. I am talking about not just the musical talent that people develop as they go through music instruction, but the benefits to the wider community that are sometimes forgotten. I will expand further on those points later in my speech.

As bitter a blow as the announcement of the fee increases was, the knock-on effect was just as significant. Our valued, talented and hugely respected head of music instruction service, John Mustard, resigned from his position after 30 years of dedicated and loyal service. John specifically blamed the increase in charging for his decision. He said:

“The reason is simple, I cannot agree with the decision by the council to raise the cost of music lessons by 85% to what will be the highest level in Scotland. In a low wage economy such as Moray this will have the effect of depriving many young people of a valuable skill and pleasure for life. I regret this deeply but I cannot be part of a decision that will do so much damage to a service I have built up to national acclaim over the last 30 years.”

Patrick Grady (Glasgow North) (SNP): Can the hon. Gentleman tell us whether the Conservative group on Moray Council have put forward alternative proposals for the budget given that it abandoned the administration last year? If they had put forward alternative proposals, they might have avoided these rises.

Douglas Ross: The hon. Gentleman is perhaps not aware—only reading the SNP’s spin—that the reason that the Scottish Conservatives left the administration on Moray Council was because the SNP councillors, the independent councillors and all the other councillors would not countenance a proposal to reduce the senior management level at Moray Council in order to save hundreds of thousands of pounds to protect the services that we are speaking about today. He asked whether the Conservatives put forward an alternative proposal; yes, they did. They opposed the 85% increase in fees, but the SNP said, “No, it has to go ahead.” As I will mention in a moment, the SNP has now gone back on that decision. After ignoring the Scottish Conservative councillors at the budget meeting in January, the SNP councillors are now following some of the advice we gave them. I just hope that they go a bit further at the full budget meeting on Wednesday.

It should not have come to this. John and his team have nurtured so many talented individuals in Moray who have gone on to perform across the world.

Kirstene Hair (Angus) (Con): Does my hon. Friend agree that John and many of the teachers and tutors who provide music education in schools across the United Kingdom go above and beyond, often giving up their spare time to put on the fantastic efforts that many of us go to see in our constituencies?

Douglas Ross: My hon. Friend is a passionate advocate for her area, and what she experiences in Angus is exactly what we have experienced in Moray. People like John go above and beyond their remit in the education department to do so much more.

I want to say a huge thank you to John for everything he has done for music in Moray. Without him, I am sure that the service would not have reached the popularity it has or gained the respect that it rightly receives. I asked Nigel Boddice for his thoughts on John’s resignation, and he summed it up perfectly by saying:

“The loss of John Mustard due to the increase of fees feels like a bereavement to me personally and I’m sure to the community at large. 30 years of talent, skill, musicianship of the highest possible order has been invested in your youth. Moray will now become a cultural desert I fear. With John’s departure music has lost out, but worse, so has the youth of tomorrow and the community.”

To follow on from the intervention of the hon. Member for Glasgow North (Patrick Grady), I can confirm that the SNP-led administration have now scaled back their proposed fee increase to 20%, but this will still have a damaging effect. When fees were increased by 20% a couple of years ago, the service saw a 15% drop-out rate. For a service that reaches more than 800 young people in Moray, that is a concerning statistic. I also know that about a dozen pupils withdrew from the service all together in the weeks since the 85% increase was announced—their joy and passion for music cut short because of a short-sighted cut.

In the time remaining, I will discuss why the service is so important in Moray, Scotland and across the UK.

Bill Grant (Ayr, Carrick and Cumnock) (Con): It may not come as a surprise that the SNP-led South Ayrshire Council has also increased the cost of music tuition, which has excluded some people. Although it has made provision for the less well-off, it has still put people out of pocket. At a time when creative subjects such as music have never been more important to individuals or to the economy, is the question not simply: why do we charge at all for musical instrument tuition lessons throughout schools in the UK? Should we not bring an end to charges throughout the United Kingdom? It is not necessary and we could give these people a great opportunity in music.

Douglas Ross: My hon. Friend leads me on to a recent report of the Scottish Parliament’s Education and Skills Committee, which looked at that point and several others. Importantly, the report examined the benefits of music education. Students contributing to the report pointed out the transferable skills that learning to play an instrument can build, such as dexterity, creative problem-solving and focus.

In the report Alastair Orr, an instrumental music teacher, mentioned the UCL Institute of Research and a 2015 report which highlighted that children receiving music tuition show heightened literacy, numeracy and social skills. He said:

[Douglas Ross]

“Any investment in instrumental and vocal education by local and national governments is more than returned by the contribution of young people to the cultural, educational and social fabric of our country.”

Stephen Kerr (Stirling) (Con): My hon. Friend mentions my constituent Alastair Orr. I hope that he will join me in paying tribute to Alastair Orr and many others throughout Scotland who have led an amazing campaign in support of music tuition. Does my hon. Friend agree with Alastair Orr that the current situation in Scotland is a shambolic lottery? In Inverclyde, it costs £117 a year for music instrument tuition, whereas it costs £524 in Clackmannanshire and £268 in Stirling. It is a shambolic lottery, is it not?

Douglas Ross: I agree with my hon. Friend. I pay tribute to Alastair Orr. Like many people, Alastair contacted me ahead of this debate keen to input his undoubted wisdom on this subject. The postcode lottery element is significant. I find it strange and disappointing that SNP Ministers in the Scottish Parliament will criticise local councils such as Midlothian for their plans because they are Labour-led but will not criticise SNP-led Moray Council for similar plans. We have to ensure that there is not a postcode lottery and that there are opportunities for our young people across Scotland and across the UK to access music tuition.

Mr Alistair Carmichael (Orkney and Shetland) (LD): Perhaps it might help the debate if we keep it to the benefits of music tuition itself. The hon. Gentleman mentioned the cultural benefits. For communities such as mine in Orkney and Shetland, the availability of tuition in schools has been enormously important in the maintenance and growing of traditional music that is indigenous to our island communities. Should that not be given greater value, be it by councils or government at any level?

Douglas Ross: I respect what the right hon. Gentleman has said. In my previous role as a Member of the Scottish Parliament, I represented those islands as part of the wider highlands and islands region. There is undoubted talent within the islands, and that has spread further now. Musicians from Orkney and from Shetland are going on to receive national acclaim, and that shows how important such traditional music is.

Jim Shannon: I thank the hon. Gentleman for giving way again—he is most gracious. He referred to culture earlier. In Northern Ireland we have a tremendous band culture that probably comes off the back of the Royal Black preceptory and the apprentice boys. Many of these young people started their musical expertise and talent in schools through the education system. With regard to retaining the culture, that is where it starts and then the community brings it together. I support what he says. For us in Northern Ireland, culture is very important, as it is for him as well.

Douglas Ross: The hon. Gentleman makes a very compelling point. We have to remember that what young people learn at school and through extra-curricular activities outside school at a young age will stay with

them throughout their life. They will improve in their music playing and other things during their life, but getting that early introduction is vitally important.

David Duguid (Banff and Buchan) (Con): My hon. Friend has mentioned the benefits of a child learning a skill and that skill staying with them through adulthood and beyond. Does he agree that there are also social benefits to being part of a school band? I have friends who will be friends for life because they came together with the school band.

Douglas Ross: I do agree. I am not sure if my hon. Friend is speaking only about social partnerships and connections that happen in bands at school, because I know that he sometimes plays alongside the hon. Member for Perth and North Perthshire (Pete Wishart) in MP4, and I am not sure if that bond of friendship continues within MP4.

John Lamont (Berwickshire, Roxburgh and Selkirk) (Con): My hon. Friend is speaking very passionately about this important subject. Indeed, this debate has struck a chord with many of my constituents. A number of parents have been in touch. Kirstin Murray from Birgham, Clare Moore from Galashiels, Harriet Campbell from Kelso, Arthur Parsons from Duns and Lyn More from Galashiels all have children who have had the benefits of learning a musical instrument at school. They have spoken not only about the benefits from a social perspective—many have spoken about the opportunities it has created for employment once children leave school through having that skill developed by music tuition.

Douglas Ross: My hon. Friend, despite the terrible pun at the beginning of his intervention, makes an extremely important point. We have just got six or seven copies of *Hansard* heading up to his constituency tomorrow because of that.

I want to look briefly at two other points that were raised by the Scottish Parliament's Committee about the wider benefits to the economy of a musically enabled society. This evidence came from Kirk Richardson of the Educational Institute of Scotland, who pointed out that Scotland accounts for 11% of the UK's live music revenue and that music tourism brings about £280 million a year to Scotland and secures more than 2,000 full-time jobs. In 2015 alone, 720,000 foreign and domestic visitors came to the country for festivals and major music concerts. He said:

“If music tuition is allowed to die, there will be a huge commercial loss to the country. We need to wake up to that.”

Alison Thewliss (Glasgow Central) (SNP): Much of Celtic Connections is based in my constituency, so we really see the benefit of music tourism. Does the hon. Gentleman agree about the benefits for young people within communities? I am lucky to have the Sistema Big Noise orchestra based in Govanhill, and it brings young people from various schools together to bring the whole community together. Does he see the value in having such organisations providing things that go right across different schools?

Douglas Ross: I could not agree more with the hon. Lady. The Moray Youth Orchestra meets every Saturday, and transport is provided to take in kids from all

schools from all over—they come from Aberlour and Milne's to Elgin. They meet once a week to get excellent tuition, but they also bond with other pupils from schools across Moray.

Alex Chalk (Cheltenham) (Con): My hon. Friend makes an excellent point about the financial dividend, but does he agree there is a social dividend, too, in allowing individuals to build their confidence? All too often, we see young people who seem to struggle with their confidence at an age when they have to deal with Instagram, exam pressure and all that sort of thing, and this is a great opportunity to allow them to blossom, to grow in themselves and to gain confidence.

Douglas Ross: My hon. Friend gives me a great opportunity to introduce the last piece of evidence I want to highlight. Alice Ferguson, a Member of the Scottish Youth Parliament, said that, as a result of learning to play a musical instrument, she felt she became more resilient, confident and open-minded in everything she does. Importantly, she also said that she benefited from the creativity and from the feeling that she was part of a community, part of a band, and that it was really good for her mental health.

Sir David Amess (Southend West) (Con): I congratulate my hon. Friend on his speech, and I am sorry to learn of the circumstances in his constituency. Does he agree that music and song can transform the lives of people with learning difficulties? Will he join me in welcoming the fact that, following their success at the London Palladium, David Stanley and the Music Man Project will be taking more than 200 youngsters to perform at the Albert Hall on Monday 15 April? After that, they hope to go to Broadway.

Douglas Ross: I wholeheartedly congratulate David Stanley and the Music Man Project on taking so many young people to perform in those prestigious venues. Maybe that is yet another reason why Southend-on-Sea should be considered to be made a city. These things add up.

Policy makers and budget leaders need to wake up to the crisis we are facing. Our young people need their representatives to stand up for musical instruction, and not to see it cut time and again. We cannot let it become available only for those who get tuition for free or those from rich enough families, for whom staggering increases matter less. If we did, a huge spectrum of talent and potential could miss out. They would suffer because of that, and so would we.

In responding to this debate, I hope the Minister will acknowledge the positive impact that music instruction has across the country and will outline what we can do to protect and enhance this service, because the benefits are clear for all to see.

In closing, I return to Moray and the legacy of John Mustard. I was disappointed that a recent meeting of Moray Council's children and young people's committee missed the opportunity to thank John for his work, so let me try to convey the thanks of pupils, past and present, who have benefited from John's passion and enthusiasm. I will quote people who left messages on social media after his decision was announced. Brian said:

"I doubt John Mustard shall remember me as a child, but I clearly remember him, as I do all of the other music teachers at my school. It saddens me that someone such as John, who spent a lot of his own time involved in many of the school...projects, has been painted into a corner in such a way. I do not believe Moray Council can have any understanding of the social and cultural legacy John and his colleagues leave behind in the decades of service they have given."

Sarah added:

"I loved going to music centre on Saturdays throughout my school years and particularly enjoyed Moray Schools Youth Orchestra in the summer holidays. Without the music education I received I wouldn't be studying music now."

Just two of the many comments that show how valued the service in Moray is and the lasting impact that instructors like John and so many others can have on our young people.

The skills young people gain while learning to play an instrument are not restricted to music alone. They continue to benefit throughout their life. If the cycle of fee increases for music tuition continues, we will lose pupils and instructors. I worry that, by the time we all come round to realising the detrimental effect that this has had, it will be too late. JFK famously said:

"Children are the world's most valuable resource and its best hope for the future."

We must ensure that young people in Moray, in Scotland and across the UK have the musical resources to give them the brightest possible future.

10.20 pm

The Minister for School Standards (Nick Gibb): I congratulate my hon. Friend the Member for Moray (Douglas Ross) on securing this debate. He is right that music can transform lives and introduce young people to a huge range of opportunities and skills, but we have heard today how Moray Council is increasing the cost of instrumental music tuition by 85%, which risks depriving many pupils of the pleasure of learning to play a musical instrument—something that we must strive to avoid. I look forward to one day hearing my hon. Friend playing a triangle, or perhaps we could listen to my hon. Friend the Member for Morecambe and Lunesdale (David Morris), who is sitting behind me and who played sessions for Whitesnake and Duran Duran in the 1980s.

In November 2011, we published the national plan for music education, which sets out our vision for music education. The vision is to enable children from all backgrounds and every part of England to have the opportunity to learn a musical instrument, to make music with others, to learn to sing, and to have the opportunity to progress to the next level of excellence. The national plan runs until 2020, and we confirmed last month that we would refresh it.

The Government are committed to ensuring that every child receives a high-quality music education. That is why music is an important part of a broad and balanced curriculum and is statutory for all pupils aged five to 14 in state maintained schools. Instrumental tuition is a key part of a music education, and that is reflected in the national curriculum. For example, at key stage 1, pupils should be taught to play tuned and untuned instruments musically and, at key stage 2, they should be taught to play and perform in solo and

[Nick Gibb]

ensemble contexts, using their voices and playing musical instruments with increasing accuracy, fluency, control and expression.

Schools are responsible for delivering the music curriculum, in exactly the same way that they are responsible for delivering the curriculum in other subjects, but we recognise that they cannot do that alone. Our network of music education hubs can support schools to provide high-quality music tuition. Between 2016 and 2020, we are providing over £300 million of ring-fenced funding for music education hubs in addition to the funding that goes to schools to deliver the curriculum.

England has 120 music education hubs that were set up in 2012 to drive up the quality and consistency of music education across the country. We have given the hubs four core roles, with instrumental tuition at their heart. The four roles are to ensure that every child aged five to 18 has the opportunity to learn a musical instrument through whole-class ensemble teaching, to provide opportunities for pupils to play in ensembles and to perform from an early stage, to ensure that clear progression routes are available and affordable to all young people, and to develop a singing strategy to ensure that every pupil sings regularly and that choirs and other vocal ensembles are available in the area.

Jeremy Lefroy (Stafford) (Con): I am grateful to the Minister for giving way, and I congratulate my hon. Friend the Member for Moray (Douglas Ross) on securing this debate. Do the hubs also cover paths to composition? I was struck this morning upon hearing the brilliant composer Sir James MacMillan, who I believe is 60 this year, talk on the radio about how important his musical education at a state school had been to the development of his career.

Nick Gibb: My hon. Friend is right that composition is included in the national curriculum, and it is of course important that children learn how to read and write music so that they can actually compose music of their own.

A report by Birmingham City University published last year showed that in 2016-17, hubs worked with 89% of schools on at least one core role and helped more than 700,000 pupils learn to play a musical instrument in whole-class ensemble teaching. In 2013-14—the first year for which like-for-like figures are available—the number was just under 600,000, so that is an increase of 19%. In addition to their work with whole classes, hubs taught hundreds of thousands more children to play instruments or sing. They provided individual lessons for more than 157,000 children, lessons in small groups for more than 238,000 children and lessons in larger groups for more than 145,000 children. We have recently increased their funding by £1.3 million.

Between 2016 and 2020, we are providing almost £120 million to the music and dance scheme, to support exceptionally talented young musicians, dancers and choristers to attend specialist schools such as the Yehudi Menuhin School, Chetham's School in Manchester and the Purcell School.

Paul Masterton (East Renfrewshire) (Con): Will my right hon. Friend join me in congratulating my constituent Jamie King, who is 15 and won a place on the National

Youth Orchestra playing the bassoon and was awarded a place at Chetham's, having learned to play at a primary school in Netherlee? Does that not demonstrate that getting young children into music early in their local primary schools can lead them on to a national stage at such a young age?

Nick Gibb: Yes, I offer Jamie King my warm congratulations on achieving membership of the National Youth Orchestra and on attending Chetham's, which is not an easy school to secure a place in? We help to fund those places through the music and dance scheme. We are also providing £2 million for national youth music organisations such as the National Youth Orchestra and £2 million for In Harmony.¹

While instrumental tuition is important, it is not the only aspect of the curriculum. Earlier this year, I announced that in order to help schools deliver high-quality music education, we were developing a non-statutory model music curriculum for teachers to use in key stages 1 to 3. That will expand on the statutory programmes of study and act as a benchmark for all schools. As well as ensuring that pupils can benefit from knowledge-rich and diverse lessons, the curriculum will make it easier for teachers to plan lessons and help to reduce workload. We have appointed an expert advisory group, chaired by Veronica Wadley, which will oversee the drafting of the curriculum. She is a former chair of Arts Council London and is a governor of the Yehudi Menuhin School.

Douglas Ross: On that point, will my right hon. Friend reiterate the thanks I gave in my speech to teachers such as John Mustard and everyone involved in music instruction in Moray? The talent they pass on stays with young people for life, and the effort they put in is unquestionable. It would be extremely nice if a Minister at the Dispatch Box of the House of Commons could say that to John and everyone involved in music tuition.

Nick Gibb: My hon. Friend beats me to my point. I was going to mention John Mustard and thank him on behalf of the rest of the House of Commons for all the work he has put in and his dedication to teaching, helping hundreds or thousands of young people to acquire a real love of music. I thank John Mustard, and I thank my hon. Friend for raising that.

One of the aims of the national curriculum is for children to perform, listen to, review and evaluate music across a whole range of historical genres, periods, styles and traditions, including the works of the great composers and musicians. I was introduced to classical music at primary school, and I want other children to have the same opportunity, so I was delighted to support and help develop the Classical 100, a free online resource for primary schools, to help teachers introduce their pupils to classical music. It was developed by experts in music education at the Associated Board of the Royal Schools of Music, Classic FM and Decca. More than 5,500 schools in England, 7,500 teachers and an estimated 180,000 pupils have engaged with it since it launched in 2015. The 100 pieces were selected to encourage pupils to explore composers such as J. S. Bach, Beethoven, Brahms, Mozart and Tchaikovsky. The most frequently played pieces are "Dido's Lament", "Nimrod", "Londonderry Air", the "Moonlight" sonata and "Air on the G String". The online site offers schools a range of flexible resources

1. [Official Report, 28 February 2019, Vol. 655, c. 4MC.]

to support teachers, and I hope more schools will sign up to it. Last October, I was delighted to visit Park Lane Primary School in Wembley and present it with a Yamaha Clavinova digital piano for coming first in the Classical 100 challenge.

I think we can all agree that having the opportunity to study and explore music and to learn to play an instrument is not a privilege; it is part of a broad and balanced curriculum, and it is something we must all continue to champion. A strong and rigorous music education is as important a part of a child's education

as science, history and literature. I hope our commitment to music education is clear. The new model curriculum, the new money for our successful music hubs and a refreshed national plan for music education will ensure that the next generation of Adeles, Nigel Kennedys and Alex Turners have all the support they need in and out of school.

Question put and agreed to.

10.29 pm

House adjourned.

Westminster Hall

Monday 25 February 2019

[MRS MADELEINE MOON *in the Chair*]

Relationships and Sex Education

4.30 pm

Helen Jones (Warrington North) (Lab): I beg to move,

That this House has considered e-petition 235053 relating to relationship and sex education.

It is a pleasure to serve under your chairmanship, Mrs Moon.

It is often said that the British have a funny relationship to sex; we certainly have a very strange relationship to sex education, sometimes. We live in a society where explicit imagery, pornography and material that demeans and degrades women is available at a few clicks of a mouse, yet there are still some who resist teaching our children the facts about not only their own bodies, but emotions, relationships and all the things they need to keep them safe while they are young and to enable them to form healthy relationships as they get older.

I wondered why that was, so before the debate I had a look at some of the material circulating about these proposals. I must say that some of it misinterprets what the Government are proposing and is designed, I think, to alarm parents. The petition itself is not specific. It refers to

“certain sexual and relational concepts”—

I think that was designed to avoid the rules about material that is offensive to certain groups—and suggests that some of the material produced for children does “more harm than good”.

Let me say that there is absolutely no evidence for that whatever—zilch. In fact, the research that has been done, mostly in America, shows that young people who receive good relationships and sex education are less likely to form early sexual relationships, less likely to have an unwanted pregnancy, less likely to get pregnant early and less likely to get a sexually transmitted disease. For me, that is a whole series of wins.

However, we do not need to look far to find a great deal of propaganda directed at parents about this. I found on YouTube a programme called “The Makinations”, in which a presenter introduces a lady who he says is a teacher, and she presents a number of books that she says are available in schools. They then go on to object to those books. For instance, they object to one that I presume is intended to talk to young children about differences, which says that girls can have long or short hair; I am guilty of that. They also talk about gay people “posing”—their word, not mine—as parents, and about “state-sanctioned child abuse” and even “graphic cartoon porn”.

I found that chilling, but not for the reasons the authors intended. If stuff such as this is being directed at parents, I am not surprised that they become alarmed. Honestly, the fact is that it was vile and homophobic, but it was also not true. I speak in this debate not only

as a parent, but as someone who used to be a teacher—in fact, two of us here, myself and my hon. Friend the Member for Wythenshawe and Sale East (Mike Kane), have taught sex education in school, although in my case it was some time ago. Schools do not use books about a penguin with two daddies—the first penguin in the zoo with two daddies—with all children. They use them when children ask questions, or with children who might have two parents of the same sex, just as they would use a book about a single-parent family with a child who came from a single-parent family.

Hannah Bardell (Livingston) (SNP): The hon. Lady is making some excellent points. I remember my mum telling me how frustrating it was, as a single parent, when she went to the bookshop to find some books about single parents and there was only one book about a little boy with a single mum and about building a bed. One book—and I was born in 1983. We have come a long way, but does she not agree that inclusive education on sexuality and all kinds of families is vital?

Helen Jones: I do, and I will come to that later in my remarks. Those of us who are long in the tooth will remember the controversy over a book called “Jenny Lives with Eric and Martin” in the 1980s. That book was available to teachers to use as necessary; it was not used routinely in schools.

It is important to say what is and is not being proposed by the Government. The Children and Social Work Act 2017 requires all maintained primary schools to teach relationships education, and all maintained secondary schools to teach relationships and sex education. Importantly, it qualifies that with the words “age-appropriate”, because teachers know that we cannot teach children concepts that their mind cannot grapple with. They simply do not take it in. Learning how children’s brains develop is part of a teacher’s training. We would be wasting our time trying to teach them things they cannot possibly understand at a young age.

Following the 2017 Act, the Government put out a call for evidence on the teaching of RSE and personal, social, health and economic education, and then issued draft guidelines last year. I have not yet seen the final guidelines—well, I have seen them, but they are under an embargo until the Secretary of State has finished his statement to the House. I will come on to that in a minute.

John Spellar (Warley) (Lab): Does my hon. Friend accept that under a whole load of international treaties, as our constituents rightly point out, parents have the primary responsibility for bringing up their children and they may have different views from those she is expressing? Does she think, and will the law provide, that parents still have the right to opt their children out of these classes—with the variation, I understand, that that now applies only up to three terms before they turn 16? Is that not the right compromise between these two issues?

Helen Jones: I will come to that later in my remarks, but of course my right hon. Friend is right that parents must play a major role in this. Most schools will want to work in co-operation with parents; we would be foolish to do anything else.

[Helen Jones]

The Government issued draft guidelines for what should be taught in school, and it is important to look at how those draft guidelines work. In primary school, children should be taught about families, “people who care for me”, caring friendships and respectful relationships. They should be taught that there are different kinds of families and what to do if they feel unhappy or unsafe at home. That part is crucial because, although we hear much about stranger danger, let us remember that most children who are abused are abused within their own families. We must remember that. They need to learn about how to keep safe online and offline, and where to go for help.

I cannot honestly see a difficulty with that. Saying to young children that there are different kinds of families is only reinforcing what they know. They know from their own experience, from their own classes, that some children will have a mummy and daddy, some will only have a mummy or a daddy and some, increasingly, may have two parents of the same sex. That happens.

In secondary school, what is proposed is necessarily more complex. Children will be expected to learn about the importance of marriage and that it must be freely entered into, which is crucial given that some British young people are still experiencing forced marriage.

Mr Jim Cunningham (Coventry South) (Lab): This is a timely debate in a number of ways. I read somewhere today that the Secretary of State for Education implied that parents could actually opt out of this. Having said that, I know that my hon. Friend has looked at the guidelines. Do they take into consideration, for example, religious schools? Several parents from different strands of religions have written to me about this. Could my hon. Friend enlighten me?

Helen Jones: The guidelines do take that into consideration. I will come to that in a moment.

Young people in secondary schools also need to learn about consent, what constitutes a respectful relationship and what constitutes sexual violence and sexual harassment. They also need to learn why what they see online is often a distorted picture of healthy relationships, about grooming and sexual exploitation and, I understand, about female genital mutilation and why it is illegal. Again, that is crucial to keeping people safe.

Caroline Lucas (Brighton, Pavilion) (Green): The hon. Lady is making a really strong case. Given that health workers and schools already receive FGM guidelines that say withdrawal from sex education is an indicator of risk, does she agree that it is actually incredibly dangerous if we allow the opt-out to be used in this blanket fashion, because it could mean that vital information is not passed on?

Helen Jones: All of this is about trying to reach a sensible compromise.

Seema Malhotra (Feltham and Heston) (Lab/Co-op): Will my hon. Friend give way?

Helen Jones: I want to make a little progress.

One thing to note is that primary schools are not obliged to teach sex education, but it is recommended that they take steps to prepare children for puberty. As puberty happens much earlier in children now, that seems sensible. Crucially, on the point raised by my hon. Friend the Member for Coventry South (Mr Cunningham), the guidelines say that schools must take into account the religious beliefs of their pupils when drawing up their programmes, and that faith schools may use their faith to inform their teaching. In fact, the guidance suggests that a dialogue should take place on issues regarded as contentious.

When I taught years ago, that is exactly what we did; it is not new in any way. I spent my teaching career in Catholic schools. We would teach—particularly our older children—what the Church taught and what others believed, and we would have a debate about it. There are good reasons for that. First, schools do not want to produce people who cannot put forward a rational argument, and faith schools certainly do not want to produce children who cannot defend their faith. Secondly, I have yet to find anyone who can stop a teenager arguing about any of this.

There are, of course, those who say that all this should be down to parents, as my right hon. Friend the Member for Warley (John Spellar) mentioned. Parents are clearly crucial in all this and should be partners with schools. However, let us be honest: some parents do not do it, and some increasingly find themselves all at sea in dealing with online risks, domestic violence, grooming and so on. I was struck, even years ago, by the amount of wrong information and misinformation that children have in their heads. That was before the internet.

Mr Ivan Lewis (Bury South) (Ind): My hon. Friend is making an excellent presentation, as usual. Because of Ofsted's powers and the way it deploys them, it is essential that we have total clarity about parental opt-outs and religious freedom. It is important in a debate such as this to understand that central to our unwritten constitution is the importance of religious freedom, as is the relationship between the state and parents. Because of those powers and their misuse in recent times by Ofsted, it is vital that the Government provide clarity. Does my hon. Friend agree?

Helen Jones: I do. As I said, all of this is about trying to reach a sensible and reasonable compromise between competing issues.

Seema Malhotra: Will my hon. Friend give way?

Helen Jones: If my hon. Friend will forgive me, I must make a little progress, because lots of people want to speak.

Before the internet, children had enough wrong information in their heads. With the rise of the internet and stuff available at a few clicks, it is essential that we give children a proper education that protects them from some of the wrong information and ideas online, and that shows them what good, healthy relationships look like. Research from the Children's Commissioners shows that many of our young people do not know what a healthy sexual relationship looks like and do not understand the concept of consent. That is very dangerous. It is why four Select Committee Chairs wrote to the

Government in 2016 asking for relationships and sex education to be made mandatory in schools; it is why the Women and Equalities Committee, in its inquiry into sexual harassment and sexual violence in schools, asked for the same thing; and it is why that request is supported by Members from across the House.

This is about applying a bit of common sense to this situation and looking at the world that our children are growing up in, which is not the same one that we grew up in. I say with great respect to parents who think that their children are not seeing all this online stuff that, although they may think that they are controlling what is on their children's phones or iPads, they are not controlling what their children see with their friends or what is passed around in the playground and so on.

It is shocking that 28% of 11-year-olds have viewed pornography. Unless we want them to grow up thinking that what they see is normal and a proper relationship, we need to do something about it. By not doing anything, we are not leaving our children innocent. We are actually leaving them to the worst possible teacher: the internet.

Seema Malhotra: Will my hon. Friend give way?

Helen Jones: I really must make some progress. I am sorry.

Of course, many parents want schools to be involved in teaching RSE, as do many young people. Research done for Ofsted in 2013 showed that many secondary school pupils felt that too much of their education was on the mechanics of reproduction, and that there was not enough about emotions, relationships, dealing with pornography and so on.

Prior to the debate, the Petitions Committee met some young people in Parliament's education centre. As one of them said to us, "If you're opted out, you can just google it." That is the problem we face; that is the reality of life. Nevertheless, it is true that parents have a right to request an opt-out from sex education for their child, which the guidelines say should be automatically granted in primary schools and should be granted except in exceptional circumstances in secondary schools. I was quite concerned about that, but I have actually been convinced by something sent to me by the Catholic Education Service, which supports the opt-out on the ground that it gives heads the opportunity to discuss with parents why the lessons are important and why it is much better for children to be there, rather than getting a garbled version from their friends in the playground. That approach clearly works, because the opt-out rate in Catholic schools is very low, at about 1 in 7,800 children. That is in a faith-based education system.

That opt-out applies to the sex education element, not to personal, social, health and economic education or relationships education, and not to stuff in the science curriculum, which is part of the national curriculum. It is also true—certainly in the draft guidelines and I presume the formal ones—that the Government suggest that children can opt back in three terms before they reach the age of 16. Case law no longer supports an automatic and continuing opt-out, so we need to reach a sensible balance on when young people can decide for themselves.

All parents face this problem, whether in deciding when children can go to the shops on their own or when their children are deciding on a career. It is hard.

I remember the first time we allowed my son to walk up the road on his own to post a letter; we were hanging out of the bedroom window, keeping an eye on him for as long as possible. However, as parents, we have to realise that, while our job is to try to set our children on the right path, they will eventually make their own choices, which may not be the same ones that we would make.

Sir John Hayes (South Holland and The Deepings) (Con): Will the hon. Lady give way?

Helen Jones: I will give way once more and then I will have to wind up.

Sir John Hayes: I am grateful to the hon. Lady; she has been very generous. Of course she is right to say that good parents take the view that she has just described about their children. Much the best way of growing up to be a well balanced, kind, caring and loving person is to have well balanced, kind and caring parents. It is in the home that people's ideas are first shaped and formed, notwithstanding the influences to which they are subject later on. For that reason, parents and parental choice are critically important.

Helen Jones: Yes. As I have said, parents are vital to all of their child's education, but particularly to relationships and sex education, and good schools want to work in partnership with parents. However, unless we allow our children to make choices, they will not develop the skills and the emotional resilience that they need in adult life, and I think that what the Government have suggested is a reasonable compromise.

So what is the problem? I think, from the correspondence that I have had, that it centres on the teaching of lesbian, gay, bisexual and transgender issues. Let us be honest, there is nothing new about this. Since 2010, schools have had a duty under the Equality Act of that year to deliver an inclusive and non-discriminatory curriculum, and many schools have gone further than that. I will refer again to a Catholic school, simply because that is the system I know. Cardinal Newman high school in Luton, for instance, has had all its teachers trained in LGBT and gender issues, so that they can tackle bullying and ensure that they give children the right guidance.

In the end, this is actually not about what someone called background indoctrination. We cannot indoctrinate someone to be gay any more than we can indoctrinate someone who is gay to be heterosexual, although practitioners of some very nasty conversion therapies have tried in the past. This is about respect for difference and recognising that we live in a pluralistic free society. If I demand respect for my faith, which is a minority faith in this country, I have to give the same respect to other people's faith, but also to the choices that other people may make in life. This is about tackling bullying: 45% of LGBT people have been bullied at school. That has to end. Young people have to know that whoever they are, whatever their sexuality, they will be welcomed and cared for.

Most schools and, I think, most parents, whatever their background or religious affiliation, would have no problem whatever with that, but there has been a lot of misinformation going around, so I say to parents who are concerned, "First, talk to your child's teachers.

[Helen Jones]

Go in; don't let other people tell you what they are doing. Go and have a look at the materials they are using. Go and talk to them about what they are trying to achieve. And you will see that there is very little to worry you there."

I say to the Minister—this is not a phrase often heard from my lips—that I think the Government have got this about right. There is the right to an opt-out in certain circumstances. There has to be a right for children to opt in at some stage, and I think that the Government have got the age for that about right—in other words, just before they leave school. I also say to parents, "Trust your children. If you have brought them up with the right values and the right perspectives on life, you have nothing to fear from this." It really is about creating a society in which we can respect one another, respect our differences and work together. At a time when society seems to be becoming more and more polarised and people are shouting at one another on social media all the time, that is a sensible and reasonable thing to do and is good for all of us.

Several hon. Members *rose*—

Mrs Madeleine Moon (in the Chair): Order. Before I call John Howell, let me say that I have 14 Members on my list wanting to speak. If everyone behaves impeccably and takes no more than nine minutes, including interventions, we should be able to get everyone in. However, that does mean only those on my list making speeches and everyone being rigid when it comes to absolute tolerance of allowing colleagues to speak. I call John Howell.

4.55 pm

John Howell (Henley) (Con): I shall try to be absolutely impeccable, Mrs Moon. It is a great pleasure to serve under your chairmanship. It is also a great pleasure to follow the hon. Member for Warrington North (Helen Jones), whom I seem to follow often in Westminster Hall debates. It is very appropriate that we should discuss this subject today when, as we can all see from the announciators, the Secretary of State is still talking about relationships and sex education in the main Chamber.

There are two issues and I will treat them separately. The first is sex education, which is essentially about reproduction, and the second is relationships education. The issue of sex education raises two interesting points for me. The first is faith schools, and the second is the rights of parents. I am not one of those people who think that we should simply abolish all faith schools. Faith schools play a crucial role in our society and, at a time when we have gone a huge way to seeing what parents want—how they want their children to be taught—and allowing them to bring forward free schools, it is crucial that we acknowledge their rights to continue to have that with faith schools.

On the question of the rights of parents, I would like to start from the other end by saying that I do not think it is appropriate to put all the effort on to headteachers, who should have this decided by parents. I am sure that many of us remember the times when we had to have conversations with our own children about sex education, and however embarrassing they may have been—it was

for me as a parent—it was for us to take them forward. I would like much more in the way of encouragement for the rights of parents. That is why I am enthusiastic about the right to opt out of sex education and to see that as part of the role of parents.

Mrs Maria Miller (Basingstoke) (Con) *rose*—

Jess Phillips (Birmingham, Yardley) (Lab) *rose*—

John Howell: I will give way first to my right hon. Friend.

Mrs Miller: My hon. Friend talks compellingly about the rights of parents and of faith schools. Does he not also think that children have the right to know what a good, healthy relationship looks like in this day and age and how to keep safe? Do children not have that right as well?

John Howell: I partially agree with my right hon. Friend but am not sure I go all the way with it. Faith schools provide a lot of such education, or could provide a lot of it, if they were worked with and engaged with in a much more successful way.

Jess Phillips: The hon. Gentleman talked about how a parent could be there to give guidance and should be able to opt out if they wish to give the guidance. What would he say to a parent who is perpetrating domestic abuse or even sexual violence at home, or to a child who is growing up in that type of environment? How will we ensure that, when those people opt out, the child can understand what a healthy relationship looks like?

John Howell: The hon. Lady makes an important point. One does not want to see that level of abuse continuing down the generations, but those issues can be picked up by other measures and dealt with in that way.

Seema Malhotra: Could the hon. Gentleman explain how he sees that happening? I will give him an anecdotal statistic from my constituency. I asked a headteacher of a primary school how many children in one class he thought might be subject to seeing domestic violence at home. His answer was five or six, which is pretty staggering. It shows a huge risk in the environments that many young children are growing up in.

John Howell: I am afraid that I do not know the answer to the hon. Lady's question. I will not attempt one off the top of my head, but will think about it for a little bit.

I believe that we already take away so much from childhood. We should fight against the sexualisation of children—that applies to all children. I see a need to address some of these issues, but I do not see that the details of reproductive sex should be part of the compulsory situation.

There is a lot of good in the proposals for relationships education. I will give two examples, the first of which is mental health. I have always had a great interest in the mental health of children at schools in my constituency. One only has to look at incidents of children's mental ill health to see that we do not want the child to continue to be distressed.

We live in a completely different age to that in which I was brought up. We live in an age in which there is a tremendous amount of social media—it is almost impossible to get away from it. That can produce the problems of pornography. There is a need to have some awareness, but that is an area in which the parents can be involved in a big way.

The second issue is online grooming. I come from a county that has had a major online-grooming scandal over the past few years. Seven individuals abused many girls—I have no idea how many, but the BBC claimed that hundreds of girls could have been abused in that way. I would like evidence to show what effect relationships education could have had in that situation. Could it have prevented that abuse from taking place or were parents in a better position to deal with it?

There are different types of relationships, of course. One cannot pretend that schools exist in a vacuum. One cannot pretend that we do not have lesbian, gay, bisexual and transgender relationships. I have been very supportive of them. We have to acknowledge that that is the legal situation in the country. We need to talk about the fact that different forms of relationships exist and make that fact clear.

We are not asking for sacred religious texts to be rewritten or torn up. The role of Ofsted, which was mentioned earlier, is absolutely crucial in that respect. I urge the Government to instruct Ofsted to take a sensitive approach in recognising the nature of faith schools, and to work with the schools to deliver a better view of the way in which they deliver education. That means that schools need to be able to teach—they have a duty to teach—what is allowable under the law without having to approve it. That is the situation at the moment.

In making these remarks I have been advised by the Jewish Community Council and the Torah Education Committee, which run a number of Orthodox Jewish schools. It should be taken as a positive sign that they have reached out, because they are concerned about the effects of the regulations and would like to work with the Government to take them forward. Above all, it is important to remember that we are not asking them to tear up the Torah in order to take this forward. We are asking them to work with the Government to come to a proper solution.

5.5 pm

Shabana Mahmood (Birmingham, Ladywood) (Lab): It is a pleasure to serve under your chairmanship in this debate, Mrs Moon. The turnout of hon. Members from across the House is testament to its importance.

It is a little disappointing that the debate clashes with the statement by the Secretary of State for Education. We will be making our speeches a little bit in the dark, as most of us have been here in Westminster Hall, rather than in the Chamber for that statement. Matters may have moved on a little, depending on the content of the Secretary of State's statement. I wonder if that Government statement was initiated by this debate and the e-petition, which many of our constituents signed.

I want to put into context my contribution and the perspective of my constituents. My hon. Friend the Member for Warrington North (Helen Jones) discussed the whole range of issues around sex education, relationships and sex education and relationships education. However,

most of my constituents have been contacting me about the specifics of mandatory relationships education at primary school. None of my constituents is seeking particular or differential opt outs at secondary school level. It is all about the age appropriateness of conversations with young children in the context of religious backgrounds.

When these issues were first raised with me, I did what all hon. Members do: I turned to the law itself. What does the Children and Social Work Act 2017 say in respect of mandatory relationships education for primary school pupils? Section 34 gives the enabling power to the Secretary of State to lay down the regulations and guidance, which I believe is the subject of the statement in the House today. It says that religious background and age appropriateness must be taken into account. That is the legislative protection for faith communities, so that children who are being educated in any part of the education system outside the faith school system are protected and have their religious background taken into account.

Before any relationships education is delivered, according to the legislation, there must be a consultation. Failure to hold a consultation has led to a number of issues arising in my constituency and across Birmingham. It was not just a badly conducted consultation that did not involve all parents; there was no consultation whatever. That is in direct contravention of the spirit of the draft regulations and the draft guidance, and the absolute commitment in section 34 in relation to religious backgrounds.

Parents come to me in my advice surgery and say, "There is no consultation, Shabana. Who do we complain to?" It turns out that there is no process and no guidance for how to deal with those concerns. Those parents' first question to me is, "What is the sanction when a school fails to carry out any consultation at all?" It appears to me that there is no sanction or mechanism. The regional schools commissioner does not have a role. I do not think that the Secretary of State has a role. Nobody seems to be able to say what the sanction is when the process fails.

If a school does carry out a consultation, the question is who decides what is appropriate and what is not. What happens when you have conflicting views between different sets of parents? That is particularly important in respect of religious backgrounds. As a member of a faith community myself, I can tell the House that we are not all the same. There are many differences of opinion between religious groups—between different groups of Muslims—on what is appropriate.

I welcome those from faith communities who are watching this debate from the Public Gallery. I hope they will not mind me noting that many are from the Orthodox Jewish community. There is an interpretation of religious texts within the Jewish community that leads people to what is described as an orthodox set of values and beliefs. There is also a self-described modern, progressive and reform end of the Jewish community, as there is in the Muslim and Christian communities—in all faith communities, in fact.

What happens when religious background is taken into account in a primary school setting in Birmingham and there are two groups of Muslim parents with full religious conviction, one of which says, "Actually, we think this is unacceptable," and the other says, "No, this is perfectly acceptable." Who is the arbitrator when

[*Shabana Mahmood*]

their rights collide? There is nothing in the guidance and no consideration of the fact that it is perfectly possible for religious groups to come to different views about what is appropriate.

Liam Byrne (Birmingham, Hodge Hill) (Lab): My hon. Friend is making a brilliant speech. Does she accept that that is a particular problem in academy schools, because the accountability points upwards to the office of the Secretary of State? At least with a local education authority school, one can go to one's local elected representatives to try to sort the mess out.

Shabana Mahmood: My right hon. Friend has been attempting to reconcile conflicting interest groups in his constituency, as he will discuss later. He is right that most cases in our constituencies have arisen in academy schools, for which there is nowhere to go other than the Secretary of State. If those schools were within the family of Birmingham local authority schools, we could at least come together in a joint process that respects and gives voice to religious backgrounds—not just moderate, reform or progressive religious communities, but orthodox ones. We could negotiate a settlement that does justice by all parties, allows all our valued, loved and respected communities to be included in that process and enables our children to have the confidence to move forward in modern 21st-century Britain. That is what all the parents who have come to see me in the last few weeks want and why they wanted me to be in the debate.

Mr Ivan Lewis: Will my hon. Friend give way?

Shabana Mahmood: No, because I wish to give other hon. Members time to make their speeches.

It has been a real problem for parents to get a fair hearing about genuinely held religious conviction in an atmosphere that sometimes does not feel tolerant of religious beliefs. Most of those parents absolutely sign up to the equalities agenda. Particularly in the Muslim community in Birmingham, Ladywood, we recognise that our status as a minority community demands that we stand up for the rights of other minority communities.

It has to be possible to reconcile the differing perspectives on life of different minority communities. I consider it a failure of politics that we find ourselves in entrenched, polarised and divisive debates, where the rights of people are set against one another. We in Parliament—the representatives of the people—have not done our collective job to reconcile those rights. Instead, we have left it to schools. In Birmingham in some instances, that has left us in a total mess, which is not acceptable.

Some of what has been done in Birmingham is not part of an early roll-out of relationships education for primary school pupils, but action under the Equality Act 2010, as my hon. Friend the Member for Warrington North mentioned. The Equality Act sets out several protected characteristics. Nobody disagrees with the protection of those characteristics, but it is a fact of our modern politics—the culture war that we are all living through—that those protected characteristics conflict with one another in some cases. For example, there is no point talking about biological sex and gender identity with children, because the adults of our country cannot

decide what the exact relationship between the two is. Those two protected characteristics are clearly in contested territory.

Who decides how we navigate that contested territory and draw a line that does justice by competing groups? It must be Parliament; it cannot simply be left to teachers or state officials acting in other capacities, such as in prisons or schools. There has to be a negotiated settlement led by the Government with input from every part of Parliament. There must be an acceptance that, in a diverse society, we must pitch at negotiated settlements between different groups in which most people can come to a compromise, because they are the greatest thing that we have to offer.

In the absence of anybody willing to play that role, I do not blame parents for saying that they want to opt their kids out, because the subject has become so divisive and polarising that they cannot see another way out. Without any arbitration mechanism or protection for those of us at the unfashionable end of the faith spectrum, in orthodox religious communities—I am an orthodox Muslim—whenever there is a conflict about rights, everybody feels it is okay to ride roughshod over orthodox communities and push them to one side.

I do not believe the Government have the right to legislate for the calling of an individual's conscience. I ask the Minister to take that point away. Unless he can come up with a system that ensures fairness between competing rights, he must give way and allow a right to withdraw.

Mrs Madeleine Moon (in the Chair): Before I call Fiona Bruce, I remind hon. Members that it is not appropriate to refer to visitors in the Gallery. In this debate, it is especially inappropriate, as people may not wish to be identified.

5.15 pm

Fiona Bruce (Congleton) (Con): I welcome the debate, not least because what unites all petitioners, and no doubt hon. Members, is the desire for young people to develop healthy relational foundations for adulthood. Given the modern challenges facing children offline and online, the case for updating the sex and relationships education guidance of 19 years ago is compelling.

Sadly, the World Family Map shows that Britain is a world leader in family breakdown, with record numbers of children experiencing parental break-up before they get their GCSE results. The debate should not be a call for no change—none of us can be complacent in the face of such challenges for children and families in our constituencies—but we need to be clear about what needs changing.

In many ways, the requirement is nothing new: to help young people understand the age-old ingredients of a long-term stable relationship in adulthood, and the importance of marriage and family. Let us give the Government credit where credit is due. The draft regulations spell out that pupils should learn about

“the nature of marriage and”

its

“importance for family life and the bringing up of children”, which should not be controversial.

Last year, in a poll commissioned by the Centre for Social Justice, almost eight in 10 young people said that they wanted to get married and wanted relationship

education to help them to understand how to build long-term lasting relationships. That is what the Government's relationships and sex education plans deliver, which is to be welcomed.

I have long argued, however, that the push for compulsory sex education in all schools is wrong for two key reasons: first, parents are the primary educators of children about sex and, secondly, the emphasis should be on relationships, which would put sex in the context of stable long-term relationships. I therefore encourage the switch to the name "relationships and sex education"—not to play with words, but to make relationships foundational. Relationships education should be integrated from primary school years through to relationships and sex education in secondary school years.

Paul Scully (Sutton and Cheam) (Con): In talking about the need to update the rules, does my hon. Friend agree that it is important to take into consideration the views of the orthodox Jewish faith, which we have heard about, and of the Muslim faith, such as the Sutton Central Masjid, which has lobbied me? As we heard from the hon. Member for Warrington North (Helen Jones), we also need to make sure that young children can learn the actuality, rather than relying on the internet or their peers in the playground.

Fiona Bruce: My hon. Friend is right. Many organisations and schools have said that for years, including the Catholic Education Service, which has been a leading advocate of relationships-based education for some time, the Relationships Alliance and the Centre for Social Justice.

The gap in education is due not to a lack of sex education, but a lack of relationships-based education. Even for some primary school children, the problem is not a lack of knowledge about sex, but a lack of knowledge and understanding about respectful healthy relationships. I commend these proposals, which seek to address that, and the way in which the Secretary of State has engaged on the issue. For example, the issue of consent is a relational one before it becomes a sexual one. The addition of health education as a statutory requirement alongside RSE reflects the wider challenges affecting young people's health and wellbeing, such as the impact of alcohol and drugs.

I am pleased that the Government listened to the cross-party call for action led by my former colleague, David Burrowes, who has done so much work on this issue, and acted when the Children and Social Work Act 2017 introduced compulsory relationships education in primary schools, and relationships and RSE in secondary schools.

However, the main focus of this debate is the right of parents to withdraw their children from sex education. We have to recognise that although the current right may be exercised only rarely, it is consistent with a fundamental principle enshrined in article 2, protocol 1 of the European convention on human rights:

"the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions".

The petitioners feel that parental authority is undermined by the lack of any parental right to withdraw a child from relationships education at primary and secondary

school and by the proposed replacement of the parental right of withdrawal at secondary school with the "right of request" just in relation to sex education, with the final decision being made by the headteacher and not the parents. That may be said to happen only in "exceptional circumstances", but those circumstances are not defined, and the very fact that the caveat exists is a breach of the current parental right to withdraw children. For many, that is a breach too far, and I agree with that assessment.

During the debate in Committee on the 2017 Act, Edward Timpson, the then Minister for Vulnerable Children and Families, said that

"We have committed to retain a right to withdraw from sex education in RSE, because parents should have the right, if they wish, to teach sex education themselves in a way that is consistent with their values."—[*Official Report*, 7 March 2017; Vol. 622, c. 705.]

I am clear that there is a distinction between relationships education and sex education, so I do not believe that a parental right of withdrawal is necessary for relationships education in primary schools. Parliament decided not to extend the right of withdrawal to relationships education and also resisted attempts by the Opposition to remove the right altogether—quite rightly, too.

Faisal Rashid (Warrington South) (Lab): I appreciate the case that the hon. Lady is making. It is important that young people learn about respectful relationships, and are equipped with the knowledge, resilience and confidence they need to challenge exploitative relationships.

However, a number of my constituents have been keen to stress the central role that parenting plays in children's learning about sex and relationships. I must also stress the need to safeguard the rights of both religious and parental beliefs during the implementation of these regulations. Does the hon. Lady agree that, for that to happen, it is critical that the Government introduce these reforms in collaboration with parents and religious groups, by listening and responding to their concerns in more detail?

Fiona Bruce: I agree that consultation and deliberation are good, and I think the Government have done those things to a great degree. What I am saying is that I do not believe it is right that parents should not be able to withdraw their children from sex education in senior schools. I do not have a problem with children having relationships education, but there is a difference between that and sex education.

While I am sympathetic to the petitioners' concerns about weakening the parental right to withdraw, I am saying just what I have expressed. The draft regulations propose that

"the pupil must be so excused until the request is withdrawn, unless or to the extent that the head teacher considers that the pupil should not be so excused."

The proposals put the final decision firmly in the hands of the headteacher, not the parents. Yes, the draft guidance states in paragraph 43 that

"except in exceptional circumstances, the school should respect the parents' request to withdraw the child, up to and until three terms before the child turns 16."

However, no attempt is made to define what "exceptional circumstances" are and ultimately the guidance is just that—guidance. It is the regulations that define the law, and so they matter. They remove the right of withdrawal

[Fiona Bruce]

from parents and place it in the hands of the headteacher, who in effect will have total discretion to make the decision, with no requirement to explain it in any way.

What the Government state in the guidance actually affirms parents as the prime educators, as the guidance says:

“The role of parents in the development of their children’s understanding about relationships is vital. Parents are the first educators of their children. They have the most significant influence in enabling their children to grow and mature and to form healthy relationships.”

But the Government do not follow through on that affirmation when it comes to the detail on the right to withdraw. Headteachers are given a power of veto on parents’ rights, which is not consistent with the Government’s own guidance, legislation or the ECHR.

We have the requirement of the ECHR to respect

“the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.”

We also have primary legislation in the Children and Social Work Act 2017, which states:

“The regulations must provide that...when relationships education or relationships and sex education is given...the education is appropriate having regard to the age and the religious background of the pupils.”

I will finish by saying that I do not believe that it is logical that a parent should have the right to withdraw a child aged 11, in year 6, given that there is, for example, a conditional right for an 11-year-old in year 7 to be withdrawn. I have not explained that very clearly, so I will just try again: I am not convinced about the Government’s legal and policy case for diluting a parent’s absolute right of withdrawal for an 11-year-old in year 6, compared with a conditional right for an 11-year-old in year 7.

5.25 pm

Stella Creasy (Walthamstow) (Lab/Co-op): It is a pleasure to serve under you today, Mrs Moon.

I stand as somebody who is passionate about the importance of relationships and sex education for all children at all ages, because I am a child of the generation of section 28. I am a child who was at school in this country when the Government also tried to set rules about what we could and could not learn about what was a healthy relationship. And I remember seeing the damage that that did to children in my school and their sense of self-worth, and to the teachers, who felt frightened to answer the questions that the children had.

I am a child of that generation who, if we are right that we want children to opt out of relationships and sex education, is a living embodiment of the consequences of that, because we were a generation that did not have the internet. However, we had Jimmy Savile. We had predators in our communities. We had children living in families with domestic abuse.

I start today with a concern about the rights of the child in this context. We are all informed by our experience. My own experience is that, living through that kind of education—there was an absence of accurate, factual, child-based education—affected my generation.

For me, the case for RSE for all children at all ages, in an age-based and appropriate manner, is about safeguarding, because in the absence of those lessons it

was not that we had a knowledge vacuum in my generation. I clearly remember the day that somebody brought a copy of “Lace”, by Shirley Conran, into school, and the lessons that book gave us. I am still unable to look at a goldfish in the same way that I did before then.

I say to every parent—every parent who is here today, all those parents who have written to me, and all those parents who have not written to me but who have been part of the work that we have been doing in Walthamstow about RSE—who cares about their children and want the best for them: “Thank you. Thank you for caring about your children.” It is the children who will not receive this education but who other children will still have to talk to in the playground, and still be in a classroom with, who I want to ensure are equally taught the right values and the right approach to other children.

For me, that is the question we face when we have an opt-out. What are the consequences for the children who have not had parents in their lives giving them good direction, and who instead have parents who cannot be in the playground with them when that copy of “Lace” is circulated, and who cannot monitor 24/7 what is found on the internet? Yes, it is also those parents who are not the best of parents, but we must make sure that their children are not let down by us.

I say that because I live in a community where we have just had the first successful prosecution for female genital mutilation, which involved a primary school-age child. We have to recognise that not every parent is as good as the parents who care enough to be concerned and who want to get this right.

We also have to recognise the parents who have been misled. My hon. Friend the Member for Warrington North (Helen Jones), who opened the debate, spoke so well about that. A woman came to my surgery this weekend to say to me, “I’ve had a leaflet about this. This is about teaching my little boy that he must be a little girl.” That is completely not what this process is about. My generation did not have this education, yet there are certainly transgender people of my age and gay people of my age. If that proves anything, it is that this is not about sex and relationships education; it is about how that child is supported to cope with the world we are in today.

There is strong evidence of the benefits of relationships and sex education at all ages. It helps children to have the kind of healthy, productive childhood we all want for them. When we hear that 45% of teachers report homophobic bullying in primary schools, we know that what we are talking about is bullying, and if we care about the rights of children we must address that. There is also a rising incidence of peer-on-peer assaults—children attacking children. In that vacuum in which the alternative is the internet or the playground, I want a teacher to be the one to help ensure that children are given the best factual and accurate education. For too long, we have allowed this country to put composting as a requirement of our curriculum but not consent and, as a consequence, children have been left vulnerable.

I understand the process the Minister has gone through and, like me, he will have seen many good examples of faith-based sex and relationships education. I feel strongly about the importance of speaking up for faith-based communities who have engaged in the process, and who are the best of their faith by wanting to get this right, as my hon. Friend the Member for Birmingham, Ladywood

(Shabana Mahmood) said. However, I also recognise the importance of its being the exception rather than the rule that children are opted out of something that can keep them safe, which is what relationships and sex education is about, at its heart.

I ask the Minister to consider monitoring both the numbers of children removed from lessons and how the consultations happen, and also to consider how we ensure that never again do we see a six or seven-year-old unable to describe their own body parts. If, God forbid, someone tried to touch them or someone in their own family did something to them, we would know that someone would have taught them how to say no and how to speak up. I say to the Minister, please let us not wait another 30 years for another generation of adults to appear who have been told that somehow being gay is wrong. Being gay is part of who they are. There are factual faith-based ways of having the conversations, and there are such great benefits to ensuring that every child has them. I say to the Minister: do not let them get educated in the playground or by the internet.

If the problems we now see as a result of the lack of support for my generation tell us anything, it is that in the 1980s we let a generation down. Let us put the rights of the child first, ensuring that parents are a key part of that but not missing the opportunity to get it right for every child, wherever and in whichever school they may be

5.32 pm

Chris Green (Bolton West) (Con): It is a pleasure to serve under your chairmanship, Mrs Moon, and to contribute to this debate on the incredibly important right to remove children from relationships and sex education. The hon. Member for Birmingham, Ladywood (Shabana Mahmood) made an incredibly powerful speech, capturing brilliantly so many of the feelings that my constituents and I have, and the concerns that many constituents have written to me about.

It is incredibly important that parents' rights are respected. However, conversations I have had with headteachers since I was selected as an MP in 2015 have reinforced the concern that there is an imbalance of rights and responsibilities; and that there is a massive emphasis on the rights and responsibilities of schools, which undermines expectations of what parents ought to contribute. That manifests in a number of ways. I will not go on for any greater length than to say that if we give more and more rights and power to schools, and parents are unable to challenge schools' decisions and the rights that they, or the state in one form or another, have accrued, the rights and authority of parents are undermined. A concern in civil society more broadly is that individual responsibility, whether that of school-children, their parents, or families as a whole, has been undermined, which then reduces people's willingness to participate as full members of society.

The former Minister and former Member of Parliament for Crewe and Nantwich, Ed Timpson, said:

"We have committed to retain a right to withdraw from sex education in RSE, because parents should have the right, if they wish, to teach sex education themselves in a way that is consistent with their values."—[*Official Report*, 7 March 2017; Vol. 622, c. 705.]

I believe that that is wholly right. It is a very good principle and approach. Religious schools have the right to teach RSE in accordance with their values and their

guidance but children of the same religious or ethical perspective in a local authority school are not respected in the same way. It is incredibly important that that respect is universal and is not reserved for selective schools. It ought to be there for all schools.

Mohammad Yasin (Bedford) (Lab): The Government's response to the petition clearly states that primary schools are not required to teach sex education but that, where they do, they must consult parents and include that in their policy. Does the hon. Gentleman agree that that gives parents an automatic right to withdraw their kids from sex education in primary schools?

Chris Green: There is huge concern about what that consultation means and what impact it has. Can a school still make an overriding decision regardless of the contribution produced by a consultation? That is key to this debate.

The hon. Member for Warrington North (Helen Jones) rightly highlighted that there is, especially in Catholic schools, a very low number of children being withdrawn from classes—that one in 7,800 figure—but if trust and confidence broke down more widely, would we see an increase in that number? One of the aids in ensuring that that confidence is there is parents' right of withdrawal, and taking that away would enable schools to make decisions with less influence and guidance from the wider school community. That is fundamentally important.

That leads to a concern about increased parent-sanctioned truancy. If parents felt unable to withdraw their child for just that lesson, they would perhaps withdraw them for the whole school day, which would undermine the child's education more widely. The approach is not a respectful one. In so many other areas we hear about diversity and respect, and celebration of that diversity, and it is curious that in this area those things do not exist; rather, what the state or the agencies of the state believe to be right is imposed.

I urge the Minister to treat relationships and sex education as an integrated subject and to respect parents' rights to remove their children, because that is the best way to ensure that more children engage with the classes. The classes make an important contribution not only to children but to parents, who are often informed and educated by their children. What assessment has the Minister made of the likelihood of an increase in children being home-schooled? A number of concerns are related to that.

5.39 pm

Naz Shah (Bradford West) (Lab): It is a pleasure and a privilege to serve under your chairmanship, Mrs Moon. I concur with the comments made by the hon. Member for Bolton West (Chris Green) about the passionate speech made by my hon. Friend the Member for Birmingham, Ladywood (Shabana Mahmood) and the points that she raised.

I enter this debate as a representative of thousands of constituents who have been in contact with me, either directly or indirectly. Strong opinions—varying, contrasting opinions—have been expressed, all drawing equally on our tradition of respect for human rights. In grappling with the subject of this debate, I want to respect and have sensitivity for that divergence and be clear about the need to protect the vulnerable from harm while ensuring that the state fulfils its duty and individual

[Naz Shah]

citizens are given their freedom. The connection between the collective and the individual has been discussed many times in this House. It is my firm belief that the empowered individual is the bedrock of a collective that upholds the rights of the vulnerable and protects them from those who are more powerful. Otherwise, minorities will be abused in the name of the freedom of the majority.

On occasions throughout history, coercive religious states have mandated that their worldview should be indoctrinated through all the structures of their societies, disregarding the rights of minorities or of anyone who wishes to pursue non-religious worldviews. It was in that context that philosophers, ideologues and revolutionaries from the Scottish coffee houses to the streets of Europe dedicated their words and their lives, sacrificing everything to build on the renaissance and give birth to modern liberal democracies such as the one we stand in today. Although liberal democracies such as ours often challenged authoritarian regimes that neglected minority rights, it took centuries for modern systems to include the rights and freedoms of working-class people, women, black and minority ethnic communities, and—more recently—people from LGBTQ communities. In all those regards, we have serious ground to make up if we are to have fairness and justice for all, but it is fair to say that we have come on leaps and bounds from where we once were.

When arguments are made in favour of mandatory relationships and sex education in schools to provide LGBTQ communities with further equality or protection from bullying, I can categorically understand and appreciate those arguments. When the argument is about protecting young children from sexual predators, or the dire need to protect our young children from the adverse effects of social media in particular, it is a no-brainer. We need to address all those issues in a way that is congruent with our need to respect the rights and freedoms of all components of our society.

Although there was clearly some debate about cultural and religious elements when the Marriage (Same Sex Couples) Act 2013 was passed, that Act did not apply to religious institutions: it merely aimed to provide everyone in our democracy with equal rights. The Act provided the right of marriage to those who were previously denied it; those with religious beliefs were unaffected by that change and were allowed to maintain their religious rights. We would not claim, nor should we claim, that by protecting the right to religious belief in that Act we were denying the rights of anyone else. This measure, however, is mandatory for everyone, without the right of exemption on the basis of belief. Many of my constituents, especially parents, have expressed concerns. They are not seeking a false right to be bigoted or to promote or incite bigotry, but they are concerned that the legislation engages with deeply personal matters that go beyond our purview as state legislators.

My call today is simple: the fundamental principle of a true liberal democracy is to ensure that a society can exist in which all people's rights are intact. In that spirit, I ask that the concerns of my constituents, and many of the signatories of the petition that led to today's debate, not be completely ignored. I have seen many of the draft guidelines published by the Government, and I welcome much of what is in them, as they signal a

collaboration between parents and schools on the syllabuses that will be taught. Nevertheless, for many people, the guidelines are still built along unclear lines, and with the legislation not having been put into practice, parents across my constituency have significant concerns. Some of those parents have indicated that the legislation coerces them into giving up their parental rights, and that although they may not have a right to opt their children out of lessons taught in schools, they do have a right to take their children out of school and teach their principles through home schooling. I do not want that to happen, as it will be hugely detrimental to society as a whole.

Minorities and majorities change according to time and place, but we must stay true to our principles and not allow any minority to be ignored. I therefore call on the Minister to reach out to concerned parents, and I invite him to my constituency of Bradford West to consult further with parents there. Many organisations have suggested that the consultation period went silently by, and that not enough time was given for the parents to fully understand the issues involved. Those organisations also want to be part of further discussions to gain reassurance about many things, including clarity about how faith and cultural factors will be considered. It is in line with our fundamental principles that people should not be ignored, nor should they feel coerced. Let us win hearts and minds through debate and discussions. Even if getting this right means delaying the process, it would be a positive step forward. It is better that we win with freedom than lose with the perception of a denial of rights.

5.45 pm

Caroline Lucas (Brighton, Pavilion) (Green): It is a pleasure to serve with you in the Chair, Mrs Moon, in this debate about parental opt-out rights. There is no disputing that it is a parent's right to teach their child about sex and relationships, but at the same time schools have an important responsibility to teach RSE to all children, in collaboration and partnership with parents. Those two responsibilities are not mutually exclusive. I know from the expert lessons I have observed in Brighton that teaching RSE is a skilled job for which teachers need high-quality training. For that reason, the vast majority of parents work with schools, and are grateful for and support the provision of RSE lessons.

Having said that, it is vital that we do not forget that some children will not get RSE at home. We cannot guarantee that they will, and we do not know which ones will not. The very small number of children who are withdrawn from the classes may well be among those who would benefit the most. As Barnardo's and the National Society for the Prevention of Cruelty to Children have stated:

"To have a child opt out of sex education is tantamount to offering no sex education as it cannot be assured that the child will receive this information at home."

There is also the serious question of how to ensure that children who may be at particular risk of harm or abuse are not withdrawn from sex education by a parent who is party to that risk. As I mentioned in an intervention, I have not yet heard a good answer to that concern. For example, guidelines for health workers and schools on female genital mutilation already include withdrawal from sex education as an indicator of risk.

Of course, only a tiny minority of parents withdraw their children from sex education, but at secondary level—the level at which RSE will become compulsory—I am deeply concerned that the Government have retained the right of parents to withdraw children until three terms before the child turns 16. Those who are withdrawn will, for example, miss out on vital lessons about sexual health at a time when sexually transmitted infections are rising among young people. Data from Public Health England reveal that a young person is diagnosed with either chlamydia or gonorrhoea every four minutes in England. In recent years, police and crime commissioners across the country have reported a dramatic escalation of child sexual exploitation, with sexting and sexual bullying both on the rise.

Rachael Maskell (York Central) (Lab/Co-op): I met police last Friday to look at the issue of safeguarding, and they were urging that all children should be able to attend classes. Children who are excluded from school or off-rolled are at the most risk. Is it not really important that schools make education inclusive for everybody?

Caroline Lucas: I agree. As the hon. Lady says, this is about a basic right to education that should be available to all children.

Alarming numbers of children are watching online pornography, as other hon. Members have said, and shocking numbers of teenaged boys and girls think that aggression by boyfriends is normal and okay. Teaching RSE in schools on a compulsory basis is the only way to ensure that all children get the information they need to stay safe and to report abuse if they need to.

The petition that is before us says:

“We have grave concerns about the physical, psychological and spiritual implications of teaching children about certain sexual and relational concepts proposed in RSE and believe that they have no place within a mandatory school curriculum.”

I do not know whether any hon. Members in this House or in this Chamber today support the petition, but I am left wondering what exactly those “sexual and relational concepts” are. I wonder why what they mean has not been spelled out. Given the kind of homophobic communications and leaflets I have received ahead of today’s debate, I am left with the strong impression that the message is one of intolerance and prejudice against LGBT+ children, families and teachers. Despite that, I remain confident that such views are not widely held and that the majority of parents want to work in close partnership with schools to provide the vital RSE that all children need.

Providing welcome clarity and calm ahead of today’s debate, last week the Ofsted chief inspector Amanda Spielman made it clear that all children must learn about same-sex couples, regardless of their religious background. She said that the lessons are

“about making sure they know just enough to know that some people prefer not to get married to somebody of the opposite sex and that sometimes there are families that have two mummies or two daddies... It’s about making sure that children who do happen to realise that they themselves may not fit a conventional pattern know that they’re not bad or ill.”

As we move forward, it is important to keep talking with parents about what RSE teaches. It is not about promoting any particular lifestyle, which I think might

be a misunderstanding at the core of the petition. At its heart, RSE is about giving children clear, honest, accurate and age-appropriate information. It is about reflecting real lives, keeping children safe and tackling bullying.

Mr Ivan Lewis: Will the hon. Lady join me in welcoming the Chief Rabbi’s clarity in saying that all Jewish schools, including orthodox schools, must make it clear that there is zero tolerance of any bullying or discrimination against LGBT+ students? That moral clarity from religious leaders, especially orthodox religious leaders, is incredibly important in sending the right messages to schools. The hon. Lady is making an excellent speech, but what weight does she give religious freedom in the context of this debate?

Caroline Lucas: I very much welcome the statement from the Chief Rabbi about stamping out bullying on any ground, including LGBT. That is an incredibly strong call, and it is very important. In terms of weighing religious freedoms with the rights of the child, I still do not see a contradiction. We are talking about keeping children safe and ensuring they have the confidence they need to be able to raise concerns. I do not see why there has to be a contradiction in terms of religious belief. I hope we can find a way through. I think there are a number of misconceptions about what RSE is about. It absolutely is not about any kind of preferred lifestyle or indoctrination. At its best, hopefully, it is about a shared exploration with parents and teachers to keep our children safe.

Helen Jones: Perhaps it might help the hon. Lady if I gave an example. The Catholic Church does not support same-sex marriage. That does not prevent Catholic schools from teaching that same-sex marriage is allowable in this country; nor does it prevent them from teaching about gay rights.

Caroline Lucas: That teaching is allowable and legal, and the legal arrangement is as acceptable as any other in this country. That is an incredibly important clarification, and I am grateful to the hon. Lady for stating it.

As we know, bullying does exist. Huge evidence has been gathered by Stonewall that nearly half of lesbian, gay, bi and trans pupils are bullied for being LGBT at school. To quote Kieran, aged 18:

“I have been bullied since Year 2 for being gay. People called me names like ‘gay’ and ‘faggot’ before I even knew what they really meant.”

There have been recent reports that teachers in Birmingham have faced protests, threats and email abuse over relationships education. I was very sad to read that, and I very much hope that Ministers will use the power they have over the regulations and guidance to show calm and confident leadership. The Minister will know from what I have said so far that I do not support the opt-out, grateful though I am that we are finally moving forward with compulsory RSE. In my final words, I echo the hon. Member for Walthamstow (Stella Creasy), who was calling for, at the very least, monitoring of what happens with the opt-out. I am deeply concerned that it could be those young people who need and could benefit the most from this kind of education who will not get it, and that is a cause of real concern.

5.54 pm

Debbie Abrahams (Oldham East and Saddleworth) (Lab): It is a pleasure to serve under your chairmanship, Mrs Moon. I commend Members on an excellent debate. There have been some outstanding speeches, particularly that of my hon. Friend the Member for Warrington North (Helen Jones), who opened the debate.

When we are seeing growing intolerance and even hatred across our country, the importance of good-quality relationships and sex education cannot be overstated. I came into politics because I want a fairer, more equal and just society, and good-quality education, including RSE, is vital to achieving that. We have already mentioned the importance of the Human Rights Act 1998 and the Equality Act 2010 in enshrining in law that, as human beings, we are all equal. We have the same rights and freedoms, whether we are female, male, non-binary or trans. Whatever our race or colour, whether we are disabled or non-disabled, whether we are of faith or none, however old we are, whatever our sexual orientation, our marital status or whether we are pregnant, our laws demand that we behave in line with them. However, they cannot dictate our attitudes, beliefs or values. That comes from formal and informal education.

The reality is that hate crime, including against Jews, Muslims, disabled people, gay people and other minorities, is on the rise. There is evidence from Stonewall that nearly half of LGBT pupils are bullied at school for being LGBT. That has a dreadful effect on their mental health, which includes one in eight attempting to take their own life. We have seen some horrendous videos of Muslim schoolgirls having their hijabs pulled off by baying mobs of their peers. I have been told about adults shouting abuse at Jewish children as they make their way to school.

The horror of child sexual exploitation and abuse has unfolded across all our communities. One in 20 children is sexually abused and one in three of those children did not tell an adult. It is vital that all children learn the difference between what is a healthy relationship and what is not. RSE has a key role in teaching our children and young people to treat each other with kindness, respect and integrity so that they can grow into happy, confident and caring adults. As a former public health professional, there is overwhelming evidence about the importance of providing high-quality, age-appropriate RSE in preventing sexually transmitted infections and unplanned teenage pregnancies. While I respect the views of those parents who believe they should be the ones who teach their children RSE, according to the PSHE Association more than nine out of 10 parents want schools to teach RSE, whether that is because they feel they do not have the necessary skills or knowledge or they are too embarrassed. We should not forget the 400,000 or so children in care, too.

RSE should be taught at school in partnership with children's parents or guardians. RSE should be high-quality, age-appropriate and taught by well-trained staff following consultation and agreement between parents and schools. As has been so well enunciated today, where there is difficulty, we need a resolution process to ensure that we can agree something. Where we have not been clear as parliamentarians, we need a process to enable that clarity. Parents need to have confidence in what their children are being taught. That will also allow key messages to be reinforced at home and at school.

For those reasons, I do not believe an opt-out from RSE at school would be helpful. If that policy goes ahead, opt-outs should be the exception rather than the rule. My hon. Friend the Member for Walthamstow (Stella Creasy) made an excellent point about ensuring that we monitor the level of opt-out. I want to mention my gratitude to the faith leaders in Oldham who have been in touch and have shown great leadership. They share my concern about the intolerant tone and misleading information of some of the campaigns expressing a counter view. There is strong evidence to show that babies are not born hating people who may be different from themselves. They learn those attitudes, and sometimes those attitudes manifest into intolerant, hateful and even unlawful behaviour. Good-quality RSE at home and at school can help to prevent that.

[SIR DAVID AMESS *in the Chair*]

5.59 pm

Jim Fitzpatrick (Poplar and Limehouse) (Lab): It is a pleasure to see you presiding in the Chair for this debate, Sir David. I am pleased to follow my hon. Friend the Member for Oldham East and Saddleworth (Debbie Abrahams) after another one of her trademark thoughtful contributions. I thank Tower Hamlets Council, the Terrence Higgins Trust, Women's Aid, the Sex Education Forum, Humanists UK, the National Secular Society, and Tower Hamlets police for providing briefings in support of today's debate. I also thank Jenny Symmons in my office for making sense of it all and drafting this contribution, which I have managed to file down to comply with Mrs Moon's suggestions on time limits.

Today I want to explain why I support compulsory relationships education and why it is not only useful but essential for the welfare of children in Poplar and Limehouse, despite 100 emails and 1,200-plus signatures from constituents supporting the petition. It is my stance that comprehensive relationships and sex education is a powerful tool for countering some of the biggest social problems—mainly misogyny, homophobia, and the resulting violence against women and the LGBT community. Society has a responsibility to ensure our young people have the confidence to live full lives without embarrassment, confusion or worse. As it stands now, parents have the right to withdraw their children from sex education up until three terms before they turn 16.

We know that some young people start having sex much younger than 16. They need to be educated properly about how to look after their bodies and avoid contracting diseases. My own borough of Tower Hamlets has one of the highest chlamydia rates in all of the UK, and the council is keen to address it through comprehensive sex education. The Sex Education Forum quotes research that states that young people who receive high quality RSE are more likely to start having sex at an older age and use protection when they do. Contrary to some parents' fears that being taught RSE may encourage young people to engage in premature, unsafe sexual activity, research shows the opposite.

There is nothing to prohibit parents from giving their children further information. However, it must be covered in school to ensure that all children know the basics about puberty and adolescence. Consent is also an

important thing to learn at a young age. Young women and girls need to understand as early as possible how to express consent in an intimate relationship and to know that it is okay to say no. Young men and boys especially need to learn the importance of “no” and how to respect that. RSE lessons can also be opportunities to recognise any abuse that pupils might be experiencing. Lessons could help pupils to learn about healthy and safe relationships and recognise signs of sexual, physical or emotional abuse in themselves and others.

One in six children in Tower Hamlets have special educational needs, making them more vulnerable to abuse. Our council recognises the importance of RSE in supporting those children and young people, increasing their knowledge about sexual abuse and improving their skills in refusing activities with which they are not comfortable. Relationships education will also provide an important space for children and young people to learn about how to get on with each other and about gender dynamics. We know that sexist and misogynistic attitudes can be picked up in childhood, and if left uncorrected can develop into abuse towards women. Violence against women is a particular problem in my borough, much of it happening within the home. Tower Hamlets police told me that in the past 12 months there have been more than 3,400 offences relating to domestic abuse: 100 caused moderate or severe injury and four led to death. Four deaths caused by domestic abuse is four too many.

Tower Hamlets Council holds that a comprehensive education in gender equality and respect is essential to reducing violence against women, and it recommends working to counter it not only in schools, but in the wider community. I note that Women’s Aid welcomes the Government’s declaration, which is a sure sign the proposals for RSE are in the interests of women’s safety. Covering such topics is essential to help young women and girls recognise signs of abuse and unhealthy relationships.

This debate is also an important opportunity to emphasise how valuable RSE is in raising awareness of LGBT people and increasing understanding. In 2019 many of our families look different; children in our classrooms may be raised by grandparents, single parents or same-sex parents. They may also grow to identify themselves as LGBT. Our children should not just learn about diversity in our society, but should celebrate it.

I want to commend the faith schools in my constituency that already provide RSE to a high standard, making sure it is inclusive as well as culturally sensitive. When it comes to sensitivity towards different communities, there are services available that can help schools deal with the challenges. In my constituency, Tower Hamlets Council offers their healthy lives team to advise schools on how to be in tune with the cultural attitudes of parents while ensuring that children and young people do not receive a lower quality of RSE.

Many of the organisations who briefed me expressed concerns at the proposed rights for parents to withdraw their children from RSE. For some young people, school might be the only place they can learn the facts and the law on issues around consent, sexual health, abuse and exploitation, and understand that attitudes in their homes or communities towards women may be unjust. The Government proposal states that headteachers will grant requests for parents to withdraw children up to three terms before 16, other than under “exceptional

circumstances”. The parameters around exceptional circumstances need to be more clearly defined to give heads the leeway to deny requests from parents if they judge them to be against the best interests of the child. Will the Minister comment on that?

It is worth keeping in mind that parents withdrawing their children and teenagers from classes will not ensure they learn about the issues only from their parents. It simply means their other sources of information will be the internet; representations of relationships from TV and films; ideas about body image from Instagram; and sexual education from online sources that are easily available. We need to make sure our children and young people receive the best quality information from reliable, trained professionals, and that it is ingrained in them before they are susceptible to dangerous messaging online.

In conclusion, I have made it clear today that I am fully in favour of all children and young people being taught RSE and am against increasing parental rights to withdraw their children from the lessons that will ensure the safety, mentally and physically, of the children in my constituency, and hopefully break cycles of violence against women and the LGBT community. With such vital education the next generation should grow up to be more tolerant and knowledgeable than previous generations.

6.6 pm

Imran Hussain (Bradford East) (Lab): It is a pleasure to serve under your chairmanship, Sir David. I thank my hon. Friend the Member for Warrington North (Helen Jones) for leading this important debate today.

I pay tribute to my hon. Friend the Member for Birmingham, Ladywood (Shabana Mahmood) and applaud the powerful contribution she made. She set out clearly and articulately very sensitive and difficult issues. Like her, I have a Muslim background, and the way in which she set out the issues is really worth applauding, and I am grateful to her. The only downside is that she made many of the points that I wanted to make in my speech. However, I am conscious that there are others yet to speak, so I will shorten my speech accordingly and not repeat too much of what my hon. Friend said.

Like my hon. Friend, in recent weeks I have been contacted by many of my constituents who have expressed concerns about the proposals, and I want to put their concerns on the record today. They are absolutely clear, as am I, that the need to teach our children respect for others and tolerance, as well as how to be safe, particularly in the modern era with all the safeguarding challenges that technology and social media now bring, must remain a key consideration. However, their concerns are understandable because, as has been mentioned by hon. Members from across the Chamber, the policy has been poorly communicated to parents and schools.

Despite running for several months, the consultation process was not made known to many parents, and even schools were unaware it was running. Only now, with the implementation of the policy rapidly approaching, have parents and schools been made aware of its existence. They are deeply upset that they did not have a chance to get involved in and contribute to the consultation.

As we have heard from today’s speakers, everybody agrees that this is a sensitive issue. Much better engagement with parents is warranted, and that needs to be handled

[*Imran Hussain*]

carefully, with a proper, meaningful consultation, carried out in a well informed manner. Sadly, that did not happen, and parents have concerns that they feel have been left unanswered.

Parents have also expressed concerns to me regarding the age-appropriateness of what will be taught in schools. They tell me that they are apprehensive that the content, which we do not know the details of, will not be suitable for primary school children.

Helen Jones *rose*—

Debbie Abrahams: Will my hon. Friend give way?

Imran Hussain: Not at the moment, because we are on the clock and I have a number of points that I want to get on the record. I may give way later.

Throughout the existing education system, the age-appropriateness of the curriculum is woven in alongside the maturity, understanding and preparedness of the children in question. To some degree, that question of preparedness and maturity is why primary school children do not sit GCSEs or A-levels. That is just one example; hon. Members have given a number of others that demonstrate that point. Age-appropriateness and preparedness must be central, yet right now there is no indication or absolute guarantee that content will be age-appropriate and suitable for primary school children.

Helen Jones: Will my hon. Friend give way?

Imran Hussain: I will not.

Parents are also concerned about the faith-appropriateness of the content that will be taught. Importantly, parents of all faith backgrounds are highlighting those concerns. It is not an issue for a single faith community, but one for the religious community as a collective. Again, my hon. Friend the Member for Birmingham, Ladywood made some pertinent points about certain sections of faith communities feeling polarised and perhaps isolated in some contexts. Let us be clear: faith is, and should be, a protected characteristic that must be respected and considered whenever policy changes are made in any walk of life, including education.

I cannot emphasise enough the value of the involvement and inclusion of parents in any education policy—another point that many Members have touched on. If children are to be successful in life and to do well at school, they need not only good schools, but involved parents. We cannot leave out parents or neglect them. Parents are the final custodians of their children, making decisions on their behalf until they can responsibly make their own. That is backed up by article 14 of the United Nations convention on the rights of the child, which states:

“Governments must respect the rights and responsibilities of parents to guide their child as they grow up.”

Ultimately, any education policy must have parental oversight and include parents, complementing the work that they do at home, with their involvement and consent. I urge the Minister, after hearing the concerns of parents in my constituency and in those of other hon. Members, to consider carefully all the concerns that I have raised on their behalf, and to ensure that the involvement and consent of parents in the education of children is upheld and maintained as vital and fundamental.

6.14 pm

Sammy Wilson (East Antrim) (DUP): Initially, the regulations will not apply to Northern Ireland, although I suspect that eventually they will. However, even though they will not apply in my constituency, I nevertheless believe that there is a fundamental issue here that Members of Parliament, regardless of where they come from, need to address.

Many arguments have been made about the importance of relationships and sex education, and the benefits of it. One thing that strikes me is that the catalogue of increased domestic violence, sexually transmitted infections, domestic abuse and so on that we have faced has come against a background of increasing sex and relationships education in schools over the years. If anyone thinks that the regulations will be a panacea, we must disabuse them of that thought.

Helen Jones: Will the right hon. Gentleman give way?

Sammy Wilson: No, I will not take any interventions, because other people wish to speak.

The core issue is the freedom of individuals and families to make decisions about what the appropriate teaching for their youngsters is. There is an irony that, on the one hand, parents can withdraw their youngster from education totally and teach them at home, but when it comes to this one particular aspect of education the right to opt out is severely curtailed. That strikes me as very odd, especially for something so sensitive.

Many parents have written to me expressing concerns, and have expressed them in briefings that I have been given, that the state is taking away from them the responsibility that they believe ultimately rests with them. Parents may well decide that the relationships education that their children are receiving in school is appropriate; however, if they decide that it is not something that they want their youngster to be taught, the right to withdraw has been taken away from them.

It is also significant that most of the publicity surrounding this matter has been about lesbian, bisexual and gay relationships; when interviewed on Radio 4, the Ofsted chief inspector zoned in on that aspect. For some parents, those are not the kind of relationships that they want their children to be taught about by a stranger. If they are going to talk about those things, parents want the ability to teach their youngsters about that themselves. At least they would have control over what was taught in that instance.

Hannah Bardell: Will the right hon. Gentleman give way?

Sammy Wilson: No, I will not.

It is important that the state should not have a monopoly on such issues when it comes to the teaching of youngsters. I thought it significant that many Members who have talked about the importance of the regulations and expressed opposition to opt-outs are the very people who would, in many other instances, continually quote human rights obligations.

In a whole range of international rulings, including some by the European Court of Human Rights, and in international human rights law—I do not want to quote specific legislation or rulings—time and again the emphasis

is that parents should ultimately have the right to know and decide what is taught to their youngsters, and should be able, where it is contrary to their beliefs, to exercise their right not to have their youngsters subjected to that kind of teaching. They should be the people who ultimately decide what values and beliefs are instilled in their children. It is significant that that aspect seems to have been missing from most of the speeches in this debate.

My final point is that the current rules either place a big burden on teachers or give far too many rights to headteachers. Nowhere are “exceptional circumstances” defined, so headteachers who particularly want their schools to push certain lifestyles in relationships education could refuse to allow parents to opt their children out. They may regard such parents as bigots, as people with funny views, as fundamentalists or as orthodox, which they do not like.

We have to remember that the secular trend in education can be quite aggressive at times: it gives headteachers who want to push an agenda a huge ability to say, “No, you cannot remove your children, whether you like it or not, because I want them to hear this.” On the other hand, the rules may place a burden on teachers and headteachers, because they will be left to make judgments without any specific guidelines or criteria. If headteachers are given no guidance, schools will inevitably make different decisions. I believe that that will put pressure on headteachers.

For all those reasons—individual freedom, the right for families to decide what they want their youngsters to be taught, and the ability for parents rather than teachers to make the final decision in the absence of clear guidelines—I believe that the only answer is to give parents the right to opt out in all circumstances where they decide, “This is not the kind of education that I want for my children.” I do not believe that children will be disadvantaged by that.

There are plenty of other, probably more effective ways for schools to deal with issues such as domestic violence or homophobic bullying. Having pastoral care, making sure that teachers know what is happening in the classroom and the playground—those are the ways to deal with it. I do not believe that the regulations will be a panacea or that they will deal with many of the issues that hon. Members have raised today.

6.22 pm

Liam Byrne (Birmingham, Hodge Hill) (Lab): It is a pleasure to serve under your chairmanship this afternoon, Sir David. I think that more of my constituents than anyone else's have signed the petition, but my speech will be based on the particular experience of Parkfield Community School in my constituency over the past three weeks. The debate has come to a head there much earlier than elsewhere, and I have had to step in and try to broker very difficult meetings between school leaders and local parents.

The Minister will know, because I have told the Secretary of State for Education so, that I feel that parents and teachers at Parkfield have both been let down by the Department. The situation has been allowed to grow unattended for much too long and the Department's approach has been much too ponderous. I am grateful for the hard work of certain departmental officials, but I know that if Parkfield were a local authority school,

I would have had the two cabinet members responsible outside the school gates defusing the tension that has been allowed to grow and grow.

Parkfield is an outstanding school with outstanding school leaders, but we now confront a breakdown of trust between parents and the school leadership that has created unacceptable tensions. On the one hand, parents are very angry; on the other, teachers are feeling intimidated—and there was a graffiti attack on the school this morning. Both of those are absolutely unacceptable.

The tragedy is that school leaders and parents both want the same thing. Parents in my constituency are passionate about the Equality Act and are as determined to tackle homophobia as Islamophobia, but in this situation what they want is what I will fight for: the right for their voice to be heard, their role to be respected and their choice to be protected. We know that relationships education is vital to raising children in the realities of modern Britain and the modern world; it is helpful that that has been acknowledged by Members across the parties today. However, if we do not pay regard to those three basic rights of parents, we will fail in our duty as legislators.

I agree with my hon. Friend the Member for Birmingham, Ladywood (Shabana Mahmood) that it is deeply disappointing that the guidance was discussed on the Floor of the House today, yet we are debating it here in the Westminster Hall Chamber. The consultation was finished months ago; obviously, it is important that Ministers strive to get the guidance right, but we have been left in the unfortunate situation where we cannot debate its detail today, nor can the Minister reflect on this debate in perfecting the guidance for the years ahead.

I will touch briefly on the three rights of parents that need to be given sharp focus in the guidance, which obviously I have not had the chance to read. First, we need to ensure that parents' right of choice is respected. Our experience in Parkfield relates to the teaching of the Equality Act, particularly the protected characteristics in it. Although that is a different piece of legislation from the Children and Social Work Act 2017, which enables the proposed regulations, it is difficult to unpick relationships education from education that relates to a protected characteristic. All parents ask is simply that the teaching of relationships education and protected characteristics education be absolutely balanced and give equal regard to each of the characteristics, including the background of faith.

As it happens, there are many ways of teaching the Equality Act. Birmingham City Council has one toolkit, Stonewall has another—I put on the record my thanks to Ruth Hunt, former chief executive of Stonewall, for her counsel over the past week—and there are also programmes such as “No Outsiders”, developed by the school. The challenge that we have is that parents were under the impression that “No Outsiders” was the only way in which the Act could be taught. That is simply not the case, but it has meant that parents' right of choice over the delivery of education has not been delivered in the way that we should aspire to.

Secondly, we have to respect the right of parents to be the principal educators of their children with respect to relationships education. Decisions about the age-appropriateness of material have to be made in the

[Liam Byrne]

open, not behind closed doors. Where their relationships guidance is in collision with Equality Act education, I hope that the Secretary of State and the Minister will clarify what is what—and, crucially, which matters do and do not enjoy the right to withdrawal. At the moment, I am afraid, there is wholesale confusion among parents and among teachers.

Thirdly, we have to ensure that parents' voices are heard all the way through the process. "No Outsiders" may well have been a path-breaking process, and there were lots of workshops when it was first undertaken, but those workshops were four years ago. Consultation must not be a one-off; it must be a constant golden thread running through the delivery of Equality Act education and relationships education.

In light of the new guidance published today, I am afraid that "No Outsiders" will have to be comprehensively overhauled and refreshed because of the substantial overlap between the two kinds of teaching. I hope that today the Minister will guarantee that the three basic rights of parents—the right to have their voice heard, the right to have their role respected and, crucially, their right of choice—will be protected as the school reworks its teaching over the months ahead.

My final point is the same as that made with such brilliance and eloquence by my hon. Friend the Member for Birmingham, Ladywood. I understand that the guidance will create particular guidelines for how relationships education is taught in primary schools. I understand that it will be down to the school to choose whether some kind of sexual component will be included in that teaching, but it is not clear whether there will be a right to withdraw from relationships education, because we were given to understand that there is no such right.

If a school chooses to take a particular path, what is the accountability mechanism for parents to disagree and bend the course of that decision? We simply cannot have a two-class system in which the parents of a pupil at a local education authority school can go to councillors in order to make their argument heard, whereas it appears the parents of a pupil at an academy would have to go through their Member of Parliament up to the Secretary of State and try to influence the situation that way. I am afraid that that will lead to our having more and more parents who simply withdraw their children or, as is the case at Parkfield, organise demonstrations outside the school gates. What kind of atmosphere is that creating? We know that there will be some gay children at Parkfield. How on earth do they feel when graffiti is daubed on the building and protests are held outside the school gate? That is not the sign of an accountability mechanism that is working satisfactorily; it is the sign of one that is failing.

I hope the Minister will reflect on the experience we have had in my constituency. I hope that he will be able to continue to work with Parkfield at speed as it works through the new way its curriculum will need to be developed and delivered in the light of the guidance issued this afternoon. I hope that he will reflect on some fundamental points. The first is to clear up the overlap between Equalities Act education and relationships education—clear up what will and will not come with the right to withdrawal. Crucially, if rights to withdrawal are to be withdrawn, the Government need to set out

more clearly the mechanisms by which parents can influence and change a decision taken by academies, which to many of us seem impervious to local opinion.

On Friday, I wrote to the leader of Birmingham City Council and to the former chief executive of Stonewall to suggest that we create a proper consultation mechanism locally, in which we can take the brilliant work that has been undertaken in the education equalities toolkit but also bring to the table the views of faith leaders and the expertise of organisations such as Stonewall. I hope that will allow us to create a process that gives parents confidence that their views on age appropriateness are being taken into account, that faith background is being respected, and that consultation is being undertaken. The truth is that although the accountability mechanism might well be able to steer LEA schools, it will be a pretty voluntarist approach for academies. That is a recipe for problems in the future.

I hope that all of this will have been taken into account in the guidance, with great clairvoyance by the Minister. If it has not, I urge him to bring that guidance back to the House and reflect seriously on the concerns we have heard from Members of all parties this afternoon.

6.33 pm

Jim Shannon (Strangford) (DUP): It is a pleasure to serve under your chairmanship, Sir David, as I often do in this place. I thank the hon. Member for Warrington North (Helen Jones) for bringing the petition before the House and setting the scene—she took many interventions.

There has been a divergence of opinion among contributors so far, and I want to make it quite clear that my contribution will be along the lines of parental rights. I want to maintain that in my speech and am clear in what I am saying. In the past I have made my concerns known in the House about the proposals to limit the right of withdrawal from sex education. It is a shame that the Government have not listened to my views or to those of many esteemed colleagues, and that we have to debate this issue again.

This morning I spoke to the Secretary of State for Education, who I knew would be making a statement in the Chamber today. We talked about this matter at some length. To be honest, at the end of the discussion I gently and kindly said to him, "Minister, unfortunately you and I will have to agree to disagree." We have a very clear difference of opinion on what the Government are trying to achieve and where they are going on parental rights.

Prior to the draft regulations and the guidance published in July 2018, I was quite hopeful that the Government would uphold the parental role and responsibility in relationships and sex education. When we discussed the Children and Social Work Bill on Report, the Minister's approach seemed to be pretty balanced, and I thought we were moving in the right direction. Parents are of course the primary educators and guides of their children, which we should not forget. They play a central role both in helping their children to grow up into successful adults and in protecting them from harm—that is the responsibility of the parent. However, parents are telling us that they want schools to help them to deal with complex and fast-moving issues to ensure that their children grow up equipped with the knowledge and the skills they need to be safe and successful.

The Government have set their scene very clearly. However, the draft regulations and the guidance were sadly lacking in the help they have provided parents as the primary educators and guides of their children. Parental responsibility has been taken away, and the final decision of whether children at secondary school undertake sex education might soon be in the hands of headteachers rather than parents.

I asked for a legal opinion on what has been put forward. It seems to me that the regulations as published have not changed the parental right of withdrawal, which remains with the headteacher. The legal opinion that I have sought states:

“If any parent or any pupil in attendance at a maintained school requests that the pupil may be wholly or partly excused from sex education provided as part of statutory relationships and sex education, the pupil must be so excused until the request is withdrawn unless, or to the extent, that the head teacher considers that the pupil should not be so excused.”

It is clear that the headteacher takes over the role and does not allow the parent to provide the type of input into the process that I would like to see. During the passage of the Children and Social Work Act 2017, there was no indication from the Government that they were moving in this direction. There was no mention at all of headteachers assuming a responsibility that has always been with parents. It is one thing for parents to ask for help from schools, but quite another for them to ask for their authority to be supplanted—it is entirely different. Would those same parents who ask for help deem what the Government have proposed to be a help or an incursion and overreach? My guess is that it would be the latter.

Much of the debate comes down to an understanding of the boundary between the family and the state. Government seem to have decided that headteachers—not parents—now know best for children, which should not be the case. They seem simply not to trust parents, and it is a profoundly dangerous precedent to set. There is certainly an interesting comparison to be made with the right of parents to withdraw children from religious education and worship at school. Section 71 of the School Standards and Framework Act 1998 states:

“If the parent of a pupil at a community, foundation or voluntary school requests that he may be wholly or partly excused—

- (a) from receiving religious education given in the school in accordance with the school's basic curriculum,
 - (b) from attendance at religious worship in the school, or
 - (c) both from receiving such education and from such attendance,
- the pupil shall be so excused until the request is withdrawn.”

The right of withdrawal from religious education and worship has remained uncontested since 1998. I imagine that if the Government were proposing to remove that right from parents, colleagues of different parties—both those with or without a religious background—would be rightly outraged, yet the Government have deemed it appropriate to undercut the authority and the responsibility of parents on relationships and sex education. RSE includes some of the most contentious topics taught in school, and it is a perfect example of where parents will want to exercise their rights, as outlined in article 2 of the first protocol of the European convention on human rights, which the hon. Member for Bradford East (Imran Hussain) spoke about. It states:

“In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching is in conformity with their own religious and philosophical convictions.”

That is what I believe the Government should be doing. These are issues of a personal nature—matters of morality, and it is best left for parents to decide how to raise their children. It is not for the state to decide the morality and standards of each family in the United Kingdom. It is for those families and parents to decide, and it should not be otherwise. Someone might not agree with how I bring up my children and I might not agree with how they bring up theirs, but fundamental to the values of a democratic society is our respect of the privacy of each other's family life at home and our upholding of the freedom of conscience, thought and religion. That is what I believe and, although I suspect many hon. Members present believe that too, others may have a slightly different opinion.

I understand that it is right that we do not press our faith or religion on others. That is why parents have the right to withdraw their children from religious education—I understand, respect and accept that. I implore colleagues—particularly the Minister, whose responsibility it is to respond to our remarks—to understand that it is not right for headteachers or the state to press their values and morality on parents by not allowing them to withdraw their children from relationships and sex education.

Sadly, as colleagues have also noted, it is fairly impossible to understand how a right of withdrawal would actually work in practice, given the blurry line between relationships education and sex education. In reality, sex does not take place in a relationship vacuum, so we should not teach it in such a way—we must be careful about how it is taught. I understand that the Government's draft guidance to schools addresses that point, which is another example of something that the Government have said that is correct. The end result, however, seems to leave a void.

It is nonsensical to stress that relationships and sex education should be taught in an integrated way, as one subject, and then to allow parents to withdraw their children from sex education. That will present overwhelming challenges both to schools as they draw up their curriculum and to parents as they try to figure out when and how they can make the request for their child to be excused in the light of the interlinked nature of the subject. As I see it, the Government have an easy solution to those problems: put back into the regulations a right for parents to withdraw their children, and extend that right to both relationships education and sex education. That is a simple fix that is entirely in the Government's power to implement, given that they have not yet laid the regulations before the House. That can easily be done now with a consultation process before the potential legislation.

As you were very clear on the time limits, Sir David, I will conclude my remarks. I ask the Minister to listen to my concerns and those of my esteemed colleagues and not to push forward with the radical change that will diminish and undermine parents and parental control. I implore him to uphold families and parental responsibility and authority.

6.42 pm

Hannah Bardell (Livingston) (SNP): It is a pleasure to serve under your chairship, Sir David, and to have sat through the wide range of contributions to the debate—that is probably the only way I can describe them. Although

[*Hannah Bardell*]

I appreciate that this is a contentious issue, it is not a difficult one. The petition is about potential rights, but at the heart of the issue are children's rights and, unfortunately, some of the speakers have forgotten that.

As far as I am aware, I am the only member of the LGBT community to speak in the debate. I am a lesbian, and I started primary school in Scotland during the year that section 28 came into force. This year, my four-and-a-half-year-old niece will start school in Scotland, during the first year that inclusive education is introduced. That is a source of great pride for me. However, as the hon. Member for Walthamstow (Stella Creasy) mentioned—unfortunately she is no longer in her place—the kind of bullying that I and some of my friends and colleagues experienced, and that is still experienced in schools, happens because of a fundamental lack of education, understanding and tolerance. I absolutely respect the rights of religious communities and of parents, but if they want an inclusive society—each religious group wants to be not just tolerated, but accepted—surely the best way to do that is for our children to be properly educated in their schools about the range of families, religions and people in our society.

The issue is of course devolved and I take on board the points made by a number of hon. Members about the implementation and the stress and concern that that has caused in some communities. That is regrettable. None of us is perfect—no Government or party—but from a Scottish perspective, the majority of parents in Scotland want schools to teach RSE: 92% in 2016 according to an independent poll for the PSHE Association. I want to highlight that Scottish perspective.

As has been said, nearly half of LGBT pupils—45%—are bullied for being LGBT. I am sure that some hon. Members will be aware of the work of Laura Bates, the founder of the Everyday Sexism Project, and writer of many an excellent column and book, most recently “Misogynation”, which I would suggest all hon. Members add to their reading lists. In her work, she recalls how young women described it as normal to be groped or sexually assaulted while wearing their school uniforms, and the shock that she experienced about the level of misconception and myth surrounding ideas about sexual relationships among young people.

A number of hon. Members have made the point about tracking the number of children in each school who are being taken out of RSE, and having discussions with their parents about how and what they are teaching their children is a sensible idea. I understand that some parents will have concerns about that, but surely a responsible parent with nothing to hide who has taken their child out of RSE should have no concerns about whether or not a school wants to support them in that decision. So many vulnerable children are being taken out of RSE. Are they not the ones who need that education and support? That goes to the heart of the matter.

Laura Bates also highlights the phenomenon of online harm, which I am conscious of as the SNP spokesperson on the Digital, Culture, Media and Sport Committee. Although I only managed to catch part of the Secretary of State's speech before I came to this debate, Laura Bates points out how drastically outdated the UK Government's current guidelines are: it is 19 years since

they were last updated. In Scotland, we updated ours in 2014 and they are about to be updated again. One in 25 primary-aged children are sent a naked image by an adult according to research by the National Society for the Prevention of Cruelty to Children.

Educators have the responsibility to teach young people not only about sex and relationships, but about related issues, such as consent, conducting respectful relationships and the nature of unsafe relationships and abuse. I appreciate that in some quarters my view may not be popular, but it can only be damaging for a parent to take a child out of that vital education if they are not trained to an appropriate level and have the appropriate knowledge to prepare their child for what they will face. The hon. Member for Warrington North (Helen Jones), who spoke so powerfully in her speech, rightly said that although parents may be able to control what their children have on their phones or on the home computer—that is debateable and today there was a concerning article in *The Times* about the app TikTok, which asks children to strip—they have no control over what other children will show and put in front of their children.

It is only right and sensible, therefore, that any Government put the duty of care and safety of children first, and ensure that that education is holistic and informative. If children are not provided with that education, they will clearly be left exposed. As for the existing guidance for teaching relationships education or RSE, I think it is fair to say that repeal of a piece of legislation, or changing it, does not take away the problem. When we repealed section 28, we put nothing in its place. Children are still subjected to bullying, and not just to that.

LGBT young people, in particular in the trans community, have staggering rates of self-harm—80% or 90%. At the moment, a difficult and damaging debate is raging about trans rights. In reality—I think the hon. Member for Birmingham, Ladywood (Shabana Mahmood) made reference to this and gave her views—while the adults all argue about definitions and rights, children are much further ahead of them. When I talk to my local LGBT group, the Glitter Cannons, I find that some of those young people are much better informed than most of the adults I know. The reality is that those discussions and that education are taking place outside schools.

In Scotland, our LGBT education will be world leading. I pay tribute to the Time for Inclusive Education campaign, Stonewall, LGBT Youth Scotland and my colleagues in the Scottish Government, in particular John Swinney and Christina McKelvie, who were bold and brave and brought that policy forward. They consulted widely, although I know that people still have concerns, which we must work constructively on, as I hope and know the Minister will on the concerns expressed by Members about the legislation in England and Wales. In Scotland, however, our world-leading LGBT education policy will have no exemptions or opt-outs. It will embed LGBTI-inclusive education across the curriculum and subjects, which the Scottish Government believe to be a world first.

We talk about religious tolerance and freedom, but every religion has a spectrum. I am always minded to mention Vicky Beeching, who is a champion of inclusion and diversity in the Christian faith. She is a lesbian but also identifies as an evangelical Christian. When she came out a few years ago, before I came out, I had a

discussion with her at an event about her experience. She faced a huge backlash and huge persecution, but she pressed on. Vicky's book, "Undivided", is absolutely worth the read—another one for Members to add to their reading list—and in it she talked about the reading and interpretation of the Bible and religious texts, and how certain communities can, for their own ends, interpret texts in a certain way. As we move on, as society progresses and evolves, people read those texts in different ways. I am not about to preach to any religion about how to look at its texts, but it is interesting that someone such as Vicky from the Christian community can talk from a scholarly and theological perspective about the Christian faith and how some in that faith have interpreted what the Bible says about LGBT people. It is vital to ensure that in our schools and societies, we recognise how society has moved on.

Pornography has become a huge issue, as many Members said, affecting young people's sense of self and issues that they will come up against regarding consent. Not only in pornography but in advertising in general how our bodies are portrayed—how we should look, how women should look—is hugely damaging. If we do not teach our children how to interpret that and how to have meaningful, consensual and well-developed relationships, we are setting them up for spectacular failure. Some might argue that it is not for us legislators to interfere, but I absolutely take very seriously my responsibilities as an elected parliamentarian to ensure that children, wherever they are, are properly educated and prepared.

I am sure that the Minister will respond to the concerns expressed by some, and I take on board some concerns expressed by my own constituents, but I am also conscious of what the hon. Member for Brighton, Pavilion (Caroline Lucas) said: that there seems to be quite a lot of misinformation. The petition states:

"We have grave concerns about...about certain sexual and relational concepts",

but it does not go into specifics. A lot of misinformation has seeped out into the public domain, and it is important that we counter it.

An incredible wealth of literature is out there to counter some of the narratives about sex, relationships and consent. I pay tribute to Lucy-Anne Holmes, the founder of the No More Page 3 campaign—it is a shame that the hon. Member for Brighton, Pavilion is no longer present, because she famously wore that T-shirt in the Chamber. Lucy-Anne Holmes did a huge amount for feminism, not only when she and her feminist colleagues managed to get rid of topless women on page 3, but in her work since then. She has just brought out a book, "Don't Hold My Head Down", which is a memoir about sex—another one for Members to add to their reading list. It talks about her journey into self-love and empowerment through sex, and about what healthy sex and relationships should and could look like.

When I read that book, it was almost like going on a journey through my own experiences. The reality is that so many of our young people are growing up in abusive relationships because they experience them at home or see them on television and in other media, and they do not understand what should be respectful and consensual. We must absolutely give them the best start in life by having inclusive education and doing everything we can to ensure that they are supported, can have fulfilling lives and, above all, are safe and protected.

6.55 pm

Mike Kane (Wythenshawe and Sale East) (Lab): It is always a pleasure to serve under your chairmanship, Sir David, but especially in this critical debate. I thank all Members who have taken part: the hon. Members for Henley (John Howell), for Congleton (Fiona Bruce), for Bolton West (Chris Green), for Brighton, Pavilion (Caroline Lucas), for East Antrim (Sammy Wilson), for Strangford (Jim Shannon) and for Livingston (Hannah Bardell), my hon. Friends the Members for Birmingham, Ladywood (Shabana Mahmood), for Walthamstow (Stella Creasy), for Bradford West (Naz Shah), for Oldham East and Saddleworth (Debbie Abrahams) and for Poplar and Limehouse (Jim Fitzpatrick), and my right hon. Friend the Member for Birmingham, Hodge Hill (Liam Byrne). Everyone made excellent speeches.

The Government are right to be doing what they are doing. The common good is the maximum utility for the most number of people, but always with a preferential option for those who cannot go along with the decisions. My hon. Friend the Member for Birmingham, Ladywood whetted my appetite regarding the culture wars today, but we must be careful not to engage in them. Government should and have a right to govern and bring forward guidance on this matter.

I also thank my hon. Friend the Member for Warrington North (Helen Jones), a woman with stunning oratory. She has absolutely brought due diligence to her work on the Petitions Committee and to introducing the debate today. She made powerful points that opened the debate up. I look forward to her soaring oratory when she winds up.

I just mentioned the common good; interestingly, the same concept exists in Judaism—*tikkun olam*—and in Islamic social thought, but we need to think about what that is. The hon. Member for East Antrim was right—I agreed with him—about one thing. As a school teacher myself, I used to rail against politicians in this place who thought that the answer to every social problem in our country was to get it on the school curriculum. It is not. Parents are the primary educators and we should remember that. The hon. Members for East Antrim and for Strangford might be on one side and the hon. Member for Livingston and my hon. Friend the Member for Poplar and Limehouse slightly on the other side, but I think there was a great degree of consensus in the debate.

A champion of RSE was my hon. Friend the Member for Rotherham (Sarah Champion), who got it included in the Children and Social Work Act 2017. Deciding what is in the national curriculum in social work Acts or amendments to them is not the proper way forward, or what I would want if I was in government, but she championed it, she won and here we are today. It is a shame that we did not have the guidance that would have informed this debate, and that the Secretary of State was on his feet in the main Chamber at the same time, but these are the circumstances in which we find ourselves. Proposals made by the Secretary of State at the time, the right hon. Member for Putney (Justine Greening), included making elements of PHSE mandatory in all schools and making new subjects—relationships education and relationships and sex education—mandatory at primary and secondary level respectively.

In the past, RSE was seen as an add-on, taught for an hour every fortnight by someone whose job it was not, or by an outside agency brought in to tick a particular box.

[Mike Kane]

That was backed up by the evidence of the Department for Education's own data, which showed that time spent teaching PHSE fell 32% between 2011 and 2015. As a former PHSE co-ordinator I attribute some of that fall to my coming to Parliament.

High-quality relationships and sex education helps to create safe school communities where pupils can grow, learn and develop positive, healthy behaviour for life. Inadequate RSE leaves pupils vulnerable to abuse or exploitation, without an understanding of how to negotiate risky situations or where to go to for help. Statutory RSE needs to be part of the overall teacher training programme, and any qualified teachers whose role includes teaching it must be appropriately equipped and resourced. It needs to be done sensitively.

I taught year 5, including the sex education programme, for a number of years. There was a really well-developed policy through the Standing Advisory Council for Religious Education, local religious organisations and the local education authority. There was a sense of subsidiarity in how it was done in local areas. We lose that slightly through the multi-academy trust system, as my right hon. Friend the Member for Birmingham, Hodge Hill, pointed out. The policy was overseen by the headteacher, we held consultation meetings with all the parents of that class, we did one-to-ones, and we had an accelerated learning programme where objectives were clearly marked out and outcomes noted. It was done late into the term, when I had established good relationships with each child. It was overseen by a parent governor—Mrs Rocca in my case, who was also the school's secretary—who would sit in on some of the lessons if the headteacher did not.

I would present myself at the school gates at the end of every day of those lessons, to ensure parents could interact with me. At the end of the lesson, when we had reached the objectives, the children could place a question into the pot and we would have an open, honest and constructive conversation about the questions they had. It was done really well at my school; I taught it well, but it was down to really strong leadership from the headteacher.

The Minister needs to outline what budget and resources his Department has identified to support schools, such as the school where I taught, so that teachers can deliver RSE effectively. The Government's draft guidance clearly sets out the rights of parents and carers to withdraw pupils from sex education, but not relationships education. It also notes that the role of parents in the development of their children's understanding of relationships is vital—they are the primary educators—and that all schools should work closely with parents when planning and delivering these subjects, to ensure all children and young people receive age-appropriate RSE. The Minister will probably touch upon whether it will be the same for LEA schools as for free schools and academies. We know there are differences in how the national curriculum is delivered.

For primary schools, the draft guidance states that headteachers will automatically grant a request to withdraw a pupil from any sex education that is not part of the science curriculum. For secondary schools, parents will still have a right to request to withdraw children from all sex education delivered as part of statutory RSE, and the request will be granted in all but exceptional

circumstances. That will apply up until three terms before a child turns 16, at which point a child will be able to opt in to sex education if they so choose. The guidance is also clear that as primary educators, parents must be consulted on their school's curriculum for relationships and relationships and sex education.

Children need to be taught what a coercive relationship is, whether violent or sexual. The Government have done remarkable work and I commend the Prime Minister—I rarely say that—on her work to combat human trafficking and the problems it creates. Children need to be taught what is appropriate and what is not when they meet people.

There is a danger that without a clearer steer from Government there will be big variations in what schools deem consultation with parents to be. That was the key message of the eloquent speech from my right hon. Friend the Member for Birmingham, Hodge Hill, about the issues at Parkfield. Will the Minister indicate what guidance and support will be available for primary schools to engage with parents on the RSE curriculum?

Views expressed through the consultation are helping to shape the final regulations and guidance, and the Department for Education expects to lay the regulations in spring 2019, alongside final draft guidance. We are expecting schools to be ready to deliver the statutory RSE curriculum in September, so there is not much time for consultation with parents and appropriate training and resources for teachers. Will the Minister outline the consideration he has given to the ability of schools to deliver within those timescales?

RSE is sensitive and can be emotive. Our priority has to be to keep our children healthy and safe. Like many in this Chamber, I believe that age-appropriate RSE should be a statutory subject in schools in order to teach children about mutual respect and the importance of healthy relationships. Its role does not end there. Greater Manchester Police are increasingly worried about child exploitation, but they are more worried about criminal child exploitation. Last year, just short of 10,000 children were off-rolled in years 9 and 10. The state had no idea where those children were. I have criticised the Minister about that, because it makes our young people hugely vulnerable.

Hannah Bardell: The hon. Gentleman makes a particularly pertinent point. The rise in the development of apps and threats to children online are so quick that many parents cannot keep up. Parents who take their children out of school will not have the information to give them the help and support they will need.

Mike Kane: I am sympathetic to that argument, but schools are increasingly off-rolling children and they are not being taught. The key vulnerability is in the home, but there are children outside who are not in school, which is a breeding ground for criminals who want to exploit children. I congratulate the hon. Lady on her powerful personal testimony.

Children must know their rights if they are to exercise them throughout their lives. Relationships and sex education is most effective when it sits as part of a whole-school approach embedded across the curriculum with well-trained staff, with an option for those with religious beliefs to have an input in that system. The Government must ensure schools have the resources to deliver that.

7.7 pm

The Minister for School Standards (Nick Gibb): It is a pleasure to serve under your chairmanship yet again, Sir David. I welcome today's debate on the right to withdraw from relationships and sex education, and the opportunity to set out clearly the rationale for the very significant reforms and to support all pupils' social, personal and academic development. I congratulate the hon. Member for Warrington North (Helen Jones) on her excellent introduction to the debate, and I thank her for her support for the draft guidance and the regulation.

It has been a debate of powerful speeches that reflect the wide range of views on what can be a controversial subject. The array of views in the Chamber reflects the array of views in society more widely. The Government have sought to distil those views in the statutory guidance to reflect those disparate viewpoints. It has been carefully crafted and has received widespread support.

The hon. Member for Wythenshawe and Sale East (Mike Kane) asked whether the subject will be compulsory in all schools. The answer is yes, both in local authority maintained schools and in academies and free schools. It has not been introduced through the national curriculum but through the basic curriculum, which means it applies to all schools. We are committed to supporting schools through training and further advice, to share best practice. We are allocating £6 million in 2019-20 to develop a support programme for schools. It will be compulsory from September 2020, which gives time for schools to prepare, although we are encouraging early adopters to introduce it from this September.

The Children and Social Work Act 2017 placed a duty on the Secretary of State for Education to make relationships education compulsory for all primary schools, and relationships and sex education compulsory for all secondary schools. It also provided a power to carefully consider the status of personal, social, health and economic education, or elements thereof. Following a call for evidence, and having listened to concerns about equipping children for life in modern Britain—particularly concerns about safeguarding, mental health and online safety—we decided to make health education compulsory in all state-funded schools.

The focus of health education in primary schools is on teaching the characteristics of good physical health and mental wellbeing. That starts with pupils being taught about the benefits of daily exercise, good nutrition and sufficient sleep. It includes teaching about simple self-care techniques, about personal hygiene, bacteria and viruses, about good dental health and flossing, and about basic first aid. Emphasis is given to the positive relationship between good physical health and mental wellbeing, and to the benefits of spending time outdoors.

It was clear from responses to the call for evidence that many people wanted pupils to be better equipped to manage the online world. That has been reflected in the debate, including in the last couple of speeches. Pupils therefore will be taught about the benefits of rationing time online and the risks of excessive use of electronic devices. Schools should also consider how these subjects collectively can support the development of important attributes in pupils, such as honesty and truthfulness, kindness, consideration and respect, permission seeking and giving, and the concept of personal privacy.

I hope hon. Members will acknowledge the very clear and carefully crafted guidance we are providing to teachers for these subjects, including how we determined the required content for relationships education in primary schools and for relationships and sex education in secondary schools. We have listened to the breadth of views that have been expressed and ensured that any developments, including on the right to withdraw, remain consistent with the guiding principles for these subjects, which Parliament endorsed during the passage of the Children and Social Work Act.

Our guiding principle, therefore, is that these subjects should help keep children safe, which includes knowing the law on relationships, sex and health. Of course, that includes age-appropriate teaching about relationships that primary-age pupils need to understand—about building caring friendships and dealing with the ups and downs of friendships, for example. We have set out how schools can acknowledge respectfully that some pupils sitting in their classrooms may have same-sex parents or, indeed, a different family model. That is why the guidance states that pupils should be taught that

“others’ families, either in school or in the wider world, sometimes look different from their family, but that they should respect those differences and know that other children’s families are also characterised by love and care.”

We worked closely with a wide range of stakeholders to carefully craft the guidance in a way that is sensitive. The guidance states:

“In teaching Relationships Education and RSE, schools should ensure that the needs of all pupils are appropriately met, and that all pupils understand the importance of equality and respect. Schools must ensure that they comply with the relevant provisions of the Equality Act 2010...under which sexual orientation and gender reassignment are amongst the protected characteristics.”

It continues:

“Schools should ensure that all of their teaching is...age appropriate in approach and content. At the point at which schools consider it appropriate to teach their pupils about LGBT, they should ensure that this content is fully integrated into their programmes of study for this area of the curriculum rather than delivered as a standalone unit or lesson. Schools are free to determine how they do this, and we expect all pupils to have been taught LGBT content at a timely point as part of this area of the curriculum.”

That guidance was carefully crafted to create a coalition of the widest support, and I have been pleased to see a range of stakeholders acknowledge that today.

Liam Byrne: I am listening to the Minister very carefully. What will be the mechanism for resolving disputes where parents disagree with the judgment a school has come to?

Nick Gibb: I will come to that in a moment.

The Church of England's chief education officer, Rev. Nigel Genders, said:

“If adopted, these guidelines will equip schools and teachers to help children and young people gain the skills and knowledge to understand and value one another within a pluralistic society.”

We have had similar support from the Catholic Education Service.

All schools, whether religious or not, will be required to take the religious beliefs of their pupils into account when they decide to deliver certain content, to ensure that topics are appropriately handled. However, it is of course vital that, by the time they become adults and

[Nick Gibb]

participate in British society, pupils understand, respect and value all the protected characteristics in the Equality Act 2010. The Department trusts schools to make the right decisions about what and when they teach their pupils about topics, including equalities.

Mr Ivan Lewis: I thank the Minister for giving way. He is one of the Ministers that I think many of us in the Chamber massively respect due to the way he tries to do his job. I warmly welcome what he said about health education in our schools. We have had two tragedies involving young people in my constituency recently, and there is a growing awareness of how vital it is to teach mental wellbeing, particularly among young people, given the challenges they face.

However, who in the Government is responsible for assessing the cumulative impact on religious freedom of relationships and sex education, the regulation of private schools, and Ministry of Housing, Communities and Local Government guidance on schools' integration duties? Religious freedom is cast aside all too often in our society. That question is particularly important in circumstances where Ofsted takes a different view from a school. The guidance states that schools should be able to teach these things in a way that is consistent with their religious ethos, but who does a school consult when making decisions about what it is able to do in a way that is consistent with its religious ethos, without Ofsted intervening and making—certainly in some cases—inappropriate decisions?

Nick Gibb: The hon. Gentleman raises some very good points. We take these issues extremely seriously. We continually meet religious groups from right across the spectrum to discuss these very sensitive issues. He raised the issue of Ofsted. In common with other curriculum areas, Ofsted will not make a discrete judgment on the delivery of relationships education or RSE, but the proposed new Ofsted framework continues to set out the expectation that inspectors will consider the spiritual, moral and cultural development of pupils as well as a broad and balanced curriculum when informing the judgment of a school. We are of course in discussion with Ofsted the whole time to ensure that it enforces these rules in a sensitive way that reflects the religious background of the schools it inspects.

We have been clear that parents and carers are the primary teachers of these topics, and that these subjects are designed to complement and reinforce the role of parents by building on what children learn at home. That is why we have retained parents' ability to request that their child be withdrawn from the sex education elements of RSE should they wish. I assure my hon. Friends the Members for Congleton (Fiona Bruce) and for Bolton West (Chris Green) that the draft guidance preserves that parental right but also reflects the rights of a young person who is competent to make their own decision.

Fiona Bruce: I repeat that the guidelines indicate that, in exceptional circumstances, a headteacher may refuse such a request. I would be grateful if the Minister addressed that. The guidelines also state:

"Schools should ensure that parents know what will be taught and when".

There is concern about how parents will be informed when relationships education becomes relationships and sex education, and the right of withdrawal becomes effective. How will that be monitored? Is that going to be left to Ofsted, or is there going to be more sensitive monitoring? In the light of the concerns that have been expressed, perhaps such monitoring would be appropriate.

Nick Gibb: I understand my hon. Friend's point, which was also made passionately by the right hon. Member for East Antrim (Sammy Wilson) and the hon. Member for Strangford (Jim Shannon). I reiterate and refer all hon. Members, including my hon. Friend, to paragraph 47 of the guidance, which clearly says—and I acknowledge what she quoted—that

"except in exceptional circumstances, the school should respect the parents' request to withdraw the child."

That is clearly set out and schools have to have regard to those requirements.

Going further, the school has to set out its policy on its website—I will come to that in my comments—and it has to consult parents. There are sections in the guidance that clearly set out that schools should be consulting and working with parents when they are developing their policies for relationships and sex education, and when the right to withdraw will apply, so that parents are aware of what their child's school will be teaching and when. When schools are introducing the curriculum they should be consulting parents.

I reflect the point made by the right hon. Member for Birmingham, Hodge Hill (Liam Byrne). As new generations and cohorts of parents and children go through, the school will want to continue to re-consult on the same curriculum, even if they are not changing it. The school needs to consult current parents, not just the parents from five or six years ago.

Jim Shannon: The hon. Member for Bury South (Mr Lewis) is right that the Minister responds very well to comments that are put forward. I remind the Minister that, in my contribution, I referred to the regulation that states:

"If the parent of any pupil in attendance at a maintained school in England requests that the pupil may be wholly or partly excused from sex education provided as part of statutory relationships and sex education, the pupil must be so excused until the request is withdrawn, unless or to the extent that the head teacher considers that the pupil should not be so excused."

Despite what the Minister says, it seems to me that the end result is that headmaster or the principal can overrule the parent, which I think is wrong.

Nick Gibb: I understand the hon. Gentleman's point. We have to take into account a range of views. Headteachers will want to respect the views of parents, but there may be exceptional circumstances. I do not want to iterate them in the debate, nor do we want to set them out, but there may be exceptional circumstances with a particular child when it is necessary to refuse the right to withdraw them. They will be very exceptional circumstances.

The previous position was that parents had the right to withdraw their child from sex education until the age of 18. That cut-off point for the right to withdraw is now untenable, as it is incompatible with developments in English case law and with the European convention on human rights. Therefore, we have sought to deliver a

sensible new position that suitably balances the rights of parents with the rights of young people. We believe that we have done that sensitively and effectively. Parents will be able to request that their child be withdrawn from sex education and that request should—unless there are exceptional circumstances—be granted, up until three terms before the child becomes 16, at which point the child can decide to opt in. If a child takes that decision, the school should ensure that they receive teaching in one of those three terms.

As with other aspects of the regulations and guidance, we have tested this position with expert organisations, including teaching unions, a wide range of faith groups and subject associations, including the Association of Muslim Schools, the Board of Deputies of British Jews, the United Synagogue, Parentkind, the National Police Chief's Council, the NSPCC, Barnardo's, Mumsnet, Mencap, the Centre of expertise on child sexual abuse, the Council for Disabled Children and many others. They are listed in the response to the consultation.

We have seen huge support today for the incredible step we are taking with the new guidance and regulations. The guidance further stipulates the need for parental engagement during the development of the RSE policies. Good practice should include demonstrating to parents the type of age-appropriate resources that will be used in teaching. The regulations stipulate schools must have an up to date written statement of their policy, which must be published and available free of charge to anyone. We continue to be clear that parents should understand the content of all three subjects, and that schools should work to understand and allay parental concerns where possible. To respond to the point made by the right hon. Member for Birmingham, Hodge Hill, we have been working with Parkfield Community School and the council to try to resolve the issue in a supportive manner. The regional schools commissioner has been closely involved in the situation and in meetings that have happened since the problem first arose.

Shabana Mahmood: Will the Minister give way?

Nick Gibb: I am so sorry, but I will not as there is only five minutes to go. The hon. Lady referred to consultation with parents. The draft regulations and guidance outlining this content are the fruition of an extensive public engagement process and call for evidence that received over 23,000 submissions. That evidence was used to develop the draft regulations, statutory guidance and regulatory impact assessment, and was the subject of a public consultation that ran from July to November 2018. There were over 40,000 engagements, over 11,000 submissions and 29,000 signatures on two petitions.

Shabana Mahmood: I appreciate the Minister's comments about how schools are expected to behave as a result of the new guidance, but he has still not addressed the material point about what happens when schools and parents disagree. What is the mechanism for resolving that dispute? What rights will parents have in that process? The process he outlined in relation to Parkfield was made up as he went along, and is not a process that parents can rely on as the guidance is rolled out.

Nick Gibb: Ultimately, decisions have to be taken about what the policy is for a school, but the school has

to consult. If there are concerns that the school has not consulted properly, then there are a raft of complaints processes for academies and local authority schools that ultimately escalate to the school complaints unit in the Department for Education and the Secretary of State will take a decision, although that will usually be delegated to officials. There are processes for complaints—they will go through academies and the regional schools commissioner. The Department works closely with schools that are facing these challenging circumstances.

These subjects now present an incredible opportunity through updated regulations and guidance. The guidance on these issues had not been updated since 2000, since when we have had significant development in terms of the internet, and all the new risks and problems facing this generation of children. I trust that I have demonstrated the value that relationships education, as well as sex education and health education, offers children growing up in an increasingly complex and diverse world. Importantly, I hope that I have reassured that the position on the right to withdraw from sex education reflects our clear respect for the value and rights of parents.

7.27 pm

Helen Jones: It has been a very interesting debate, and I thank all those who contributed to it. We heard some powerful personal testimony from my hon. Friend the Member for Walthamstow (Stella Creasy) and the hon. Member for Livingston (Hannah Bardell). We also heard from my hon. Friend the Member for Wythenshawe and Sale East (Mike Kane) exactly how such education should be conducted in schools, in partnership between the school and parents. We heard from my right hon. Friend the Member for Birmingham, Hodge Hill (Liam Byrne) and my hon. Friend the Member for Birmingham, Ladywood (Shabana Mahmood) what happens when that process breaks down, although I would point out that at the moment schools are not working under the guidelines; it is a completely different set of circumstances.

We also heard from those with concerns about the policy. However, I wish that they would set out exactly what those concerns are, because I suspect—perhaps my hon. Friend the Member for Bradford East (Imran Hussain) would have been able to tell me if he had given way to me—that many of the concerns that parents have relate to what they have been told about what is happening, rather than what is happening itself. Schools are still undergoing the process of developing the curriculum and the materials that they will use. We also heard the views of the right hon. Member for East Antrim (Sammy Wilson), including his view that domestic violence has not subsided. I do not know how he can make that point, because domestic violence was not even considered a crime for many years.

All in all there is great support for what the Government are doing. We hope that they will provide the resources and support for teachers to implement it properly. I look forward to seeing more of our children being kept safe and able to form healthy, good relationships in future.

7.30 pm

Motion lapsed, and sitting adjourned without Question put (Standing Order No. 10(14)).

Written Statements

Monday 25 February 2019

BUSINESS, ENERGY AND INDUSTRIAL STRATEGY

Competitiveness Council

The Minister for Universities, Science, Research and Innovation (Chris Skidmore): My noble Friend the Parliamentary Under-Secretary for State for the Department of Business, Energy and Industrial Strategy (Lord Henley) has made the following statement:

The Competitiveness Council took place on 18-19 February. I represented the UK on Day 1 (Internal Market and Industry); and by the Minister for Universities, Science, Research and Innovation, my hon. Friend the Member for Kingswood (Chris Skidmore), on Day 2 (Research and Space).

Day 1—Internal Market and Industry

Commissioner Bienkowska presented the Commission's analysis on integrated value chains in the single market. A number of member states called for the single market and services to be at the centre of the March European Council discussion on jobs, growth and competitiveness. The UK recalled the close integration of UK and EU supply chains. The presidency concluded that it would summarise views in writing to the President of the European Council.

The presidency and member states welcomed the co-ordinated action plan on artificial intelligence (AI) and stressed the need for EU and national action to boost cross-border research networks and data flows to maximise EU competitiveness. Commissioner Bienkowska called for the EU to put in place ethical and legal frameworks in line with fundamental rights, stressing the importance of flexibility to encourage innovation. The UK noted that our approach aligned closely with the co-ordinated action plan and called for continuing collaboration to help maintain Europe's international competitiveness. The Council adopted "Conclusions on the co-ordinated plan on the development and use of artificial intelligence made in Europe".

The Commission introduced its long-term climate strategy stressing the importance of all sectors contributing to decarbonisation. Member states supported the need for coherence across all policy areas, noting the importance of the circular economy and driving innovation. The UK and others highlighted the opportunities for EU industry provided by combating climate change which could be expected to lead to an overall net increase in higher skilled jobs.

On the European semester, the Commission highlighted competitiveness priorities following the adoption of the annual growth survey in November 2018.

The Commission updated the Council on the recent ECJ ruling against the real driving emissions (RDE) legislation. The UK and others called for the Commission to take action to ensure greater certainty for the automobile industry and sufficient time for them to adapt. The Commission noted that the ECJ did not question the revised tests themselves, but rather the way the Commission had enacted the legislation.

The presidency noted that agreement with the Parliament had been reached on the directive on digital tools in company law and the regulation on enforcement of EU harmonisation legislation on products. The Commission noted that the regulation would improve product safety by facilitating engagement with businesses, co-ordination of market surveillance activities and co-operation between market surveillance authorities and customs authorities.

Day 2—Research

Day 2 of the Competitiveness Council focused on an exchange of views on the Horizon Europe Package—Framework programme for research and innovation 2021-2027. The presidency concluded that there was a broad consensus on making missions relevant to all member states and that the European Innovation Council (EIC) would need to operate in complementary manner with the European Institute for Innovation and Technology (EIT) and InvestEU. The presidency said that it would try to find a balanced compromise in forthcoming trilogues.

The Council concluded with a brief update on the ITER project. The Commission confirmed that ITER was back on track and delays/cost overruns had been addressed.

[HCWS1355]

EDUCATION

Relationships and Sex Education

The Secretary of State for Education (Damian Hinds): Today, the Secretary of State for Education, will provide a statement to the House, updating on the Government's proposals for the draft regulations and guidance for relationships education, relationships and sex education, and health education following public consultation. The draft guidance and other materials will be published at: www.gov.uk, following the statement.

[HCWS1356]

HEALTH AND SOCIAL CARE

Foods Standards Agency: Contingencies Fund Cash Advance

The Parliamentary Under-Secretary of State for Health and Social Care (Steve Brine): The Food Standards Agency (FSA) is seeking an advance from the Contingencies Fund to meet its cash funding obligations relating to preparation work for EU exit. This work has been ongoing throughout this financial year to ensure day one readiness ensuring food safety, supply and security.

Parliamentary approval for additional resources of £11,000,000 and capital of £3,000,000 will be sought in a supplementary estimate for the Food Standards Agency. Pending that approval, urgent expenditure estimated at £10,000,000 will be met by repayable cash advances from the Contingencies Fund.

The advance will be repaid upon Royal Assent of the Supply and Appropriation (Anticipation and Adjustments) Bill.

[HCWS1354]

No-deal EU Exit: Medicines and Medical Products

The Minister for Health (Stephen Hammond): Today, I am updating the House on the Department for Health and Social Care's plans for the continuity of medicines and medical products in the event we exit the EU without a deal.

My Department has been working closely with trade bodies, product suppliers, the health and care system in England, the Devolved Administrations (DAs) and the Crown Dependencies, to ensure the continuation of the

supply of medicines and medical products to the whole of the UK in the event of a no deal EU Exit. This includes the NHS, social care and the independent sector and covers medicines (prescription, pharmacy and general sales list medicines); medical devices and clinical consumables (such as needles and syringes); supplies for clinical trials; vaccines and countermeasures; and blood, tissue and transplant materials.

Together with industry and the health and care system, my Department has analysed the supply chains of 12,300 medicines, close to half a million product lines of medical devices and clinical consumables, vaccines used in national and local programmes, and essential non-clinical goods on which the health and care system relies, such as linen, scrubs and food.

We have also assessed contract risks associated with potential no-deal EU exit in the broader NHS and social care sector in England and within the DAs and are working with suppliers to ensure adequate mitigations are in place for non-clinical goods and services (e.g. hospital food, laundry, IT contracts, etc.).

This has been a very large undertaking but we are grateful for the excellent engagement from all parties—our plans are well advanced as a result.

While we never give guarantees, we are confident that, if everyone—including suppliers, freight companies, international partners and the health and care system—does what they need to do, the supply of medicines and medical products should be uninterrupted in the event of exiting the EU without a deal.

My Department has well established routine procedures to deal with medicine shortages, from whatever cause, and works closely with the MHRA, the pharmaceutical industry, NHS England and others operating in the supply chain to help prevent shortages and to ensure that the risks to patients are minimised when they do arise.

There is no hard evidence to date to suggest current issues are increasing as a result of EU exit.

My Department has overall responsibility on behalf of the Devolved Administrations for ensuring the continuity of supply of medicines, and they have opted to utilise our contingency arrangements so we can work together to ensure the supply of medical devices and clinical consumables. Therefore, all supply arrangements take into account the whole of the UK, reflecting the engagement and co-operation of our colleagues in the DAs.

Around three quarters of the registered medicines and over half the clinical consumables the UK uses come from (or via) the EU. Government estimate that the key risk to supply is reduced traffic flow at the short straits crossing (ie between Calais and Dover or Folkestone).

My Department has put in place a multi-layered approach to minimise any supply disruption:

Building up buffer stocks and stockpiling before 29 March in the following areas:

Medicines: We have analysed 12,300 licensed medicines products. Around 1,800 of these were determined to not be relevant as no longer marketed in the UK.

For the remaining approximately 7,000 ‘POM’ (prescription-only medicines) and ‘P’ (pharmacy only medicines, that can be purchased only from a pharmacy without a prescription) with an EU/EEA touchpoint,

we have been working with suppliers to ensure they increase their buffer stocks to hold at least an additional six weeks of stock (over and above usual buffer stock) in the UK before 29 March. The vast majority of companies have confirmed stockpiling plans are in place. For those medicines that cannot be stockpiled because, for example, they have short shelf-lives, such as medical radioisotopes, we have asked suppliers to make alternative routes using airfreight, which some suppliers already do now.

For general sales list (GSL medicines—also known as over-the-counter or OTC products), 500 of which have a EU touchpoint, we have worked with NHS England to identify those which are important for the management of specific health conditions, and are working with suppliers to assure contingency plans for those products.

Medical devices and clinical consumables: My Department has placed extra orders for the medical devices and clinical consumables which NHS supply chain routinely stocks. Although the NHS supply chain organisation normally only covers England, we have worked closely with the national procurement and logistics services in Scotland, Wales and Northern Ireland, to ensure their demand levels for the UK are covered. Not all suppliers have the capability to hold stock of their full product range in the UK and routinely supply product directly from EU distribution centres to care providers or patients. These suppliers are working on their own contingency measures; however, we have also put in place national contingency measures to provide a reliable and responsive means of moving product into the UK, including additional daily air freight capacity from Maastricht to Birmingham.

Blood, tissues and transplants: NHSBT manages the blood supply in England and is working to ensure there is no disruption to this. We are largely self-sufficient in blood and blood components and do not export or import these products in large quantities. In exceptional cases we export or import very rare blood for urgent clinical need, usually in single unit quantities. NHSBT has put in place stockpiles and other contingency arrangements to ensure a continuous supply of blood (including frozen plasma) and transplant materials. NHSBT has been collaborating with the other UK blood services and is working with its EU counterparts to ensure that the current organ exchange arrangements can continue post exit. The regulators are working with licensed establishments so the import of tissues and cells from EU countries can continue.

Vaccines and countermeasures: My Department is taking the same approach to the supply of vaccines and countermeasures as we are for the supply of medicines (in terms of stockpiling, warehousing and replenishment). Public Health England (PHE) manages significant stockpiles of vaccines for the national immunisation programme across the whole of the UK, as part of their business as usual planning. PHE is working with vaccine suppliers to ensure replenishment of these existing stockpiles continues in the event of supply disruption in the UK.

Supplies for clinical trials: We are working with organisations running clinical trials and have requested these organisations to consider their supply chains for clinical trials ahead of 29 March. We have requested that they ensure contingency arrangements are in place for their supplies. Supplies of clinical trials are transported in small quantities and usually via airfreight.

Non-clinical goods and services: We have been working closely with a range of NHS and social care providers and suppliers to ensure mitigations are in place for non-clinical goods and services (e.g. hospital food, laundry, IT contracts).

Buying extra warehouse space: To ensure sufficient space to store these products, we have agreed contracts for additional warehouse space, including ambient, refrigerated and controlled drug storage. Last week we updated industry on how they can access this additional storage.

Securing, via the Department of Transport (DfT), additional roll on, roll off freight capacity (away from the short straits) from 29 March.

Contracts have been signed by DfT with two ferry companies for the next six months. These routes are away from the Dover Straits where most goods flow from the EU and will run from the following routes: Cherbourg—Poole, Le Havre—Portsmouth, Roscoff—Plymouth, Caen—Portsmouth, Vlaardingen—Immingham, Cuxhaven—Immingham and Vlaardingen—Felixstowe. The Government have purchased the tickets from the shipping freight operators, and these will be sold on at market rate.

There is cross-Government agreement that all medicines and medical products will be prioritised on these alternative routes to ensure the flow of all these products may continue unimpeded.

Companies which supply medicines or medical goods will be offered the option of buying tickets on these routes and my Department is currently engaging with industry to ascertain the likely uptake levels.

We have worked with the pharmaceutical industry to ensure that planes are contracted to bring in medical radioisotopes under the appropriate specialist conditions.

Making changes to, or clarifications of, certain regulatory requirements so that companies can continue to sell their products in the UK even if we have no deal. The MHRA has for this scenario consulted on, and published, further guidance on how medicines, medical devices and clinical trials will be regulated. This guidance can be found at: <https://www.gov.uk/government/publications/further-guidance-note-on-the-regulation-of-medicines-medical-devices-and-clinical-trials-if-theres-no-brex-it-deal>.

In August, the Government also published a dedicated technical notice on the unilateral recognition of batch testing of medicines, if there is no deal. This can be found at:

<https://www.gov.uk/government/publications/batch-testing-medicines-if-theres-no-brex-it-deal>.

Strengthening the processes and resources used to deal with shortages. My Department has put in place legislation to enable Ministers to issue serious shortage protocols that, where appropriate, enable community pharmacies to supply against a protocol instead of a prescription without going back to the prescriber first. We are working closely with the DAs to ensure a common approach across the UK.

This multi-layered approach is essential: A combination of securing freight, buffer stocks, stockpiling and warehousing, and regulatory requirements, will be needed to help ensure the continuation of medicines and medical supplies in the event of a no-deal exit.

Local stockpiling is unnecessary and could cause shortages in other areas, which could put patient care at risk. It is important that patients order their repeat prescriptions as normal and keep taking their medicines as normal.

[HCWS1358]

HOME DEPARTMENT

Counter Terrorism Legislation: Codes of Practice

The Secretary of State for the Home Department (Sajid Javid): On 14 March 2018, in response to the poisoning in Salisbury of Sergei and Yulia Skripal and Detective Sergeant Nick Bailey, the Prime Minister announced a package of measures to harden our defences against hostile state activity.

As a first step, schedule 3 to the Counter-Terrorism and Border Security Act 2019 provides for new powers to stop, question, search and detain a person at a UK port or the Northern Ireland border area for the purpose of determining whether they are, or have been, engaged in hostile activity. These provisions will serve to address a current gap in our ability to tackle the threat posed by hostile state actors and mirror in many respects the existing powers to stop and question persons at UK ports for counter-terrorism purposes.

The Counter-Terrorism and Border Security Act 2019 also amends schedule 7 to the Terrorism Act 2000 to give effect to two recommendations of the former Independent Reviewer of Terrorism Legislation, Lord Anderson: providing for the suspension of the examination clock while someone receives medical treatment; and including a bar on the use of oral answers given in examination in subsequent criminal proceedings.

The 2019 Act also amends schedule 7 restrictions concerning the right of a detainee to consult a solicitor (by replacing the power for a qualified officer to sit within the sight and hearing of a lawyer-client consultation in certain limited circumstances with a power allowing a senior officer, in those limited circumstances, to direct that the person consults a different lawyer); and limits the power of the state to expand an information sharing gateway in the schedule by means of regulations, constraining the expansion of this gateway to allow information to be shared only with persons that exercise public functions.

Both the Terrorism Act 2000 and the 2019 Act require the Government to consult on the provisions of the codes of practice that are provided to ports and border officers exercising these powers. I am therefore today announcing the publication of the Government's consultation on:

- the draft schedule 3 code of practice; and
- draft modifications to the existing schedule 7 code of practice.

A draft of the schedule 3 code was published on 1 November 2018 to support legislative scrutiny of the Bill. There have been a number of changes to this draft to account for amendments made to schedule 3 during the Bill's passage through the Lords. The existing schedule 7 code has also been updated to reflect the amendments

made by the 2019 Act and to make the document clearer and more accessible for law enforcement practitioners.

The Government welcome comments on these documents and will consider any representations before a final version of the draft codes is laid before Parliament for approval. The consultation will last a period of six weeks beginning on Monday 25 February and ending on Friday 05 April. Representations can be submitted by e-mail to this address:

Schedule3and7codes@homeoffice.gov.uk and a copy of the consultation and both draft codes will be placed in the House Library and an online version will be made available at:

https://www.gov.uk/government/publications?departments%5B%5D=home-office&publication_filter_option=consultations.

[HCWS1353]

HOUSING, COMMUNITIES AND LOCAL GOVERNMENT

Rough Sleeping

The Parliamentary Under-Secretary of State for Housing, Communities and Local Government (Mrs Heather Wheeler): On 31 January, the annual rough sleeping statistics were published and showed a welcome 2% reduction in the number of rough sleepers.

These figures also showed that the 83 local authority areas that were part of the Rough Sleeping Initiative (RSI) had seen a 23% reduction in rough sleeping. It has come to our attention that the percentage decrease stated should have referred to 19% rather than 23%. The underlying figures remain unchanged, as does the national 2% reduction. The updated statistics release is available at: <https://www.gov.uk/government/statistics/rough-sleeping-in-england-autumn-2018>.

The figures continue to demonstrate that the Rough Sleeping Initiative has had a significant impact on the number of people sleeping rough and is working. That is why we announced a further £45 million for the Rough Sleeping Initiative in 2019-20 as part of the Rough Sleeping strategy. Eleven million pounds of this funding has been set aside for areas that were not part of the initial work of the Rough Sleeping Initiative so that we can build on this work to make sure we continue to support more people off the streets and into safe and secure accommodation.

The comprehensive process for gathering these statistics was, like previous years, run by Homeless Link, the national membership charity for homeless organisations. Local authorities hold a multi-agency meeting to decide whether to count or estimate rough sleepers in their area and when the chosen date for deciding this figure will be. They are responsible for choosing the method that will most accurately reflect the number of people sleeping rough in their area on a single night. All rough sleeping returns submitted by local authorities are then

independently verified or validated by Homeless Link to ensure they are robust. Hundreds of volunteers from homelessness sector organisations as well as local authority staff and people from local communities are involved in this process.

[HCWS1357]

Youth Crime

The Secretary of State for Housing, Communities and Local Government (James Brokenshire): Last October, I launched the Supporting Families Against Youth Crime fund to build on the troubled families programme's proven track record of working with vulnerable families.

This new fund will allow local areas to put a greater focus on working with young people vulnerable to the devastating risks of serious violence. Increasing knife crime, particularly among young people, has been a worrying trend. This fund will bring together keyworkers, community groups, teachers and other professionals to intervene earlier to help stop young people from becoming drawn into gang crime, serious violence and entering the youth justice system.

I am pleased to announce that, in response to the quality of the bids we received, I have decided to increase the fund from £5 million to £9.8 million, which will fund projects in 21 areas across the country, including 10 in London.

The projects receiving funding include those focused on working with children before they make the important transition from primary to secondary school as this is a time when children are particularly vulnerable to becoming involved in crime. Other projects will work with smaller groups of young people already at high risk and carry out in-depth work with parents, carers and professionals to help them understand the risk factors and the dangers of their children being exposed to gang culture.

Many young people across the country are vulnerable to serious violence and youth crime and have experienced childhood trauma which has affected their mental health, resilience, confidence and decision making. For that reason, I am also making workforce development funding available to all other authorities delivering the troubled families programme to contribute to training staff in trauma-informed approaches, emotional coaching and non-violent resolution practices which will better enable them to identify and support these young people.

This new fund is a contribution to a wider package of reforms and funding. The Government's serious violence strategy set out the trends and drivers behind the increases in serious violence and a major programme of work. Importantly, it talks about the benefits of intervening early and with a multi-agency response, something on which the troubled families programme has a proven track record. Learning from these projects will be shared across Government to support the development of future policies.

The full list of areas receiving funding can be found here:

<https://www.gov.uk/government/news/98-million-fund-to-confront-knife-crime-and-gang-culture>.

[HCWS1359]

Petition

Monday 25 February 2019

OBSERVATIONS

EDUCATION

College funding

The petition of students at Brockenhurst College in the New Forest East constituency,

Declares that college funding must be urgently increased to sustainable levels, including immediate parity with recently announced increases to school funding, which will give all students a fair chance, give college staff fair pay and provide the high quality skills the country needs post-Brexit; further that funding for colleges has been cut almost by 30% in the last 10 years causing a significant reduction in the resources available for teaching and support of sixth formers in schools and colleges; potentially restricted course choice; fewer adults in learning; pressures on staff pay and workload; and further that an online Parliamentary petition on this matter received 40,000 signatures in its first week and now stands at 58,000.

The petitioners therefore request that the House of Commons urges the Department of Education, together with her Majesty's Treasury to increase at the earliest opportunity funding for colleges to fair and sustainable levels.

And the petitioners remain, etc.

[Presented by Dr Julian Lewis , Official Report, 29 November 2018; Vol. 650, c. 491 .]

[P002286]

Observations from the Minister for Apprenticeships and Skills (Anne Milton):

Further education providers have a vital role to play in making sure young people and adults have the skills they need to get on in life. We are aware of the financial pressures in the further education sector generally which is why we are currently considering the efficiency and resilience of the sector and assessing how far existing funding and regulatory structures meet the costs of delivering quality further education.

We have protected the base rate of funding for all 16 to 19-year old students until 2020 and plan to invest nearly £7 billion this academic year to make sure there is a place in education or training, including for apprenticeships, for every 16 to 19-year-old.

In addition, we have announced extra support for key priorities. We will provide additional funding to support institutions to grow participation in level 3 maths—an extra £600 for every additional student—with two payments of £600 if, for example, they are studying A level maths over two years. The first of these payments will be made in 2019-20. We have also approved significant restructuring funding for colleges. From 1 April 2016 to 31 January 2019, the total allocation of restructuring facility funding in England is approximately £470 million—the total spend so far is approximately £290 million.

We recently announced a pay settlement for school teachers and a specific grant to support this. However, further education colleges and sixth form colleges have a different status when compared with schools and academies, as private sector institutions independent of the Government. Therefore, we are considering the needs of further education providers separately.

Through the Adult Education Budget (AEB), we continue to provide full funding for adult learners who need English and maths skills to undertake a range of courses in GCSEs, functional skills and stepping stone qualifications from entry level to level 2. We have also announced a new statutory basic digital skills entitlement from 2020 to ensure adults can study for specified qualifications in basic digital skills free of charge to get the skills and capabilities they need to get on in life and work. We also recognise the vital role that community learning plays within AEB provision by providing accessible routes for adults to progress, and we fund this in a way that enables providers to meet the needs of disadvantaged learners. By 2020, funding available to support adult FE participation, including the AEB, 19+ apprenticeship funding and advanced learner loans, is planned to be higher than at any time in England's history. The Department has also taken the steps through Parliament to devolve the responsibility for adult education to metropolitan mayors, which is intended to allow for greater alignment of funding for this kind of provision to local need.

We will be looking hard in the forthcoming spending review at how to ensure adequate funding is available for further education, including adult skills, throughout the next spending review period.

An e-petition calling on the Government to “increase college funding to sustainable levels” was submitted and selected for debate by the Petitions Committee. The debate took place in Westminster Hall on 21 January 2019 and the *Hansard* record is available here:

<https://www.hansard.parliament.uk/Commons/2019-01-21/debates/105E82C9-81FC-4C3B-B9D99F1D07DF/CollegeFunding>.

You can find our written response to this petition here: <https://www.petition.parliament.uk/petitions/229744>.

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PETITION

Monday 25 February 2019

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**not later than
Monday 4 March 2019**

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Debate on motion for Adjournment

Westminster Hall
Relationships and Sex Education [Col. 1WH]
E-petition Debate

Written Statements [Col. 1WS]

Petition [Col. 1P]
Observations

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