

**Tuesday  
2 April 2019**

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**HOUSE OF COMMONS  
OFFICIAL REPORT**

**PARLIAMENTARY  
DEBATES**

**(HANSARD)**

**Tuesday 2 April 2019**

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# House of Commons

*Tuesday 2 April 2019*

*The House met at half-past Eleven o'clock*

## PRAYERS

[MR SPEAKER *in the Chair*]

## Oral Answers to Questions

### FOREIGN AND COMMONWEALTH OFFICE

*The Secretary of State was asked—*

#### Cameroon

1. **Tonia Antoniazzi** (Gower) (Lab): What discussions he has had with his French counterpart on the reported increase in violence in Cameroon. [910160]

**The Minister for Africa (Harriett Baldwin):** The UK regularly discusses the violence in Cameroon with international partners, including France and the United States, and I welcome French support for the recent UK-Austria joint UN Human Rights Council statement about the deteriorating situation in Cameroon.

**Tonia Antoniazzi:** Southern Cameroons voted to join French Cameroon on the basis that they would be federated states equal in status, but this is clearly not what has happened. It is treated as a region made up of second-class citizens. The UK has a duty to Southern Cameroons to use all available instruments to find a solution to the growing crisis that takes into account the wishes of the people. Will the Secretary of State meet me and a delegation of Southern Cameroons to discuss possible solutions?

**Harriett Baldwin:** I congratulate the hon. Lady on securing the first question on the Order Paper, because this is a worsening crisis. The UK has been strongly engaged with our international partners to find a way forward. Of course, the UK respects the territorial integrity of Cameroon, but we also believe that, where there are calls for more autonomy in the south-west and north-west, the Government of Cameroon need to engage in an inclusive political dialogue, because the violence from both sides is creating a serious situation for civilians on the ground.

**Stephen Crabb** (Preseli Pembrokeshire) (Con): In her discussions with her US counterparts about the worrying situation in Cameroon, has the Minister asked them about suggestions made that resources they have given to help the Cameroonian Government in the fight against terror and Boko Haram are being diverted, misused and used in attacks on some of the communities in Cameroon?

**Harriett Baldwin:** As I often find myself saying during questions, I am happy to be accountable for what the UK Government have been doing, and I can confirm that we have extensive discussions with the Government of Cameroon, who, as my right hon. Friend will know, are a partner with the international community in the fight against Boko Haram and the Islamic State in West Africa in the north of the country. We also have discussions with international partners to find a way forward on the views expressed with increasing violence by those of a separatist tendency in the south-west and north-west provinces.

**Alison Thewliss** (Glasgow Central) (SNP): One of my constituents is a member of the South Cameroonian diaspora and is deeply concerned about what is going on. A recent Amnesty report noted the presence of arbitrary arrest, torture in detention and the existence of secret and illegal detention facilities in Cameroon. Does the Minister agree that such activities are in stark violation of the Commonwealth Charter, and if so what efforts has she made to engage with Cameroon through the Commonwealth?

**Harriett Baldwin:** The hon. Lady is absolutely right to raise the range of different human rights violations and abuses noted in the statement which we were pleased to see 39 countries sign at the most recent UN Human Rights Council. Specifically on the Commonwealth, I can tell the House that Lord Ahmad, the Minister for the Commonwealth, wrote to the Commonwealth Secretary-General recently to share UK concerns about Cameroon and press for further Commonwealth engagement on the matter.

**Mr Philip Hollobone** (Kettering) (Con): The UK's aim is to be the largest G7 investor in Africa by 2022. Will any of that investment be going to Cameroon?

**Harriett Baldwin:** My hon. Friend states the UK's policy aim to be an ambitious investor in African economies, and I can confirm that there are UK companies that invest in Cameroon; businesses are absolutely free to choose to do so. In terms of the political track, though, we are trying to engage with the Government of Cameroon—I spoke to the Prime Minister there recently—to encourage them to find a way forward in a political and inclusive dialogue that can address some of the concerns being raised.

**Mr Alistair Carmichael** (Orkney and Shetland) (LD): I spent time in Cameroon in 2013 as a political volunteer with Voluntary Service Overseas, and it breaks my heart to see what is happening to that beautiful country today. It seems to me that there is a potent mix of contemporary challenges and the long tail of our own and, indeed, French colonial history. Can we take a two-pronged approach? Will our colleagues in the Department for International Development tackle the urgent crises involving displaced peoples and conflict, and will the Minister's own office make a proper effort to secure a diplomatic solution?

**Harriett Baldwin:** As the right hon. Gentleman says, there is an ongoing humanitarian crisis. Earlier this year I authorised work by us, through UNICEF, to provide immediate humanitarian assistance. More than

400,000 people have been displaced in the crisis, and more than 30,000 have fled to Nigeria. DFID is doing programming work, and we are urging the Cameroon Government to allow humanitarian actors access to all parts of the country.

**Liz McInnes** (Heywood and Middleton) (Lab): Last week, Human Rights Watch said:

“Government forces in Cameroon’s Anglophone regions have killed scores of civilians...and torched hundreds of homes over the past six months.”

How many more innocent victims need to be slaughtered for Cameroon to be suspended by the Commonwealth?

**Harriett Baldwin:** The hon. Lady is right: there have been human rights abuses and human rights violations on all sides in the conflict. Hospitals have been burnt and villages torched. We drew attention to a range of issues in a statement at the United Nations Human Rights Council, which the UK sponsored. Obviously the UK is a member of the Commonwealth, and our Commonwealth Minister has written to the Commonwealth Secretariat suggesting that it encourage discussions on this topic in future meetings.

**Mr Speaker:** Before we move to Question 2 and I call the hon. Member for Cleethorpes (Martin Vickers), I hope that the whole House will want to join me in extending a warm welcome to Gareth Evans, QC, who served with great distinction as a Cabinet Minister in Australia from 1983 until 1996 under—if memory serves me—the Hawke and Keating Governments. As we have just been talking about human rights, let us not forget that he was a key architect of the United Nations’ responsibility to protect. We celebrate that achievement, and many people around the world, sir, will be thankful to you for your leadership on that front.

### Persecution of Christians Overseas

2. **Martin Vickers** (Cleethorpes) (Con): What steps his Department is taking to help tackle the persecution of Christians overseas. [910161]

4. **Victoria Prentis** (Banbury) (Con): What steps his Department is taking to help tackle the persecution of Christians overseas. [910163]

17. **Alex Chalk** (Cheltenham) (Con): What steps his Department is taking to help tackle the persecution of Christians overseas. [910177]

22. **Paul Masterton** (East Renfrewshire) (Con): What steps his Department is taking to help tackle the persecution of Christians overseas. [910182]

**The Secretary of State for Foreign and Commonwealth Affairs (Mr Jeremy Hunt):** It is a pleasure to interrupt a mammoth Cabinet meeting to enjoy the harmony and consensus for which the House is famous. [Laughter.]

The United Kingdom has long championed freedom of religion, but I think we should do more for the estimated 240 million Christians who face persecution for their faith around the world. I have therefore asked the Bishop of Truro to conduct a review, which I hope he will deliver in the summer.

**Martin Vickers:** The Secretary of State will no doubt be aware of an Open Doors report which predicts a 14% increase in the persecution of Christians this year. It also says that North Korea is the most dangerous place in which to practise Christianity, where it is seen as a threat to the Communist regime. What work are the Government doing with such non-democratic countries to try to ease the persecution of the Christian community?

**Mr Hunt:** I thank my hon. Friend for mentioning the Open Doors report, which contains some stark statistics. It states, for example, that 80% of the people who suffer persecution for their religious belief are Christians. The most striking statement is that the vast majority are in the very poorest countries: this is not, on the whole, a problem affecting people who live in affluent countries.

My hon. Friend is right to mention that countries such as North Korea have been singled out. The purpose of the review is to ensure that we use all the UK’s diplomatic leverage to highlight these issues and put pressure on those regimes to change.

**Victoria Prentis:** The Open Doors report says that about 245 million Christians are suffering high levels of persecution in 73 countries. Where is the UK focusing our help?

**Mr Hunt:** I want to ensure that we exercise maximum influence where we have that influence. The striking thing about that report is that, notwithstanding the comments that my hon. Friend the Member for Cleethorpes (Martin Vickers) made about North Korea, some of the worst offenders are in the middle east, notably Afghanistan, Libya, Sudan and Somalia, where the population of Christians has fallen from 20% to around 5%. In many of those countries, we have big aid budgets and a lot of influence.

**Alex Chalk:** The UK has a proud history of standing up for the rights of minority faith groups, both in the United Kingdom and overseas. As the Secretary of State says, we have a budget of over £2 billion, which is being allocated to the middle east and Syria, where the situation is particularly appalling. How can we use that budget to protect Christians from the appalling persecution they are facing?

**Mr Hunt:** I pay tribute to the Department for International Development, which has allocated £12 million recently specifically to promote freedom of religious belief. The gist of my hon. Friend’s question is right—where we have a large aid budget, with countries such as Afghanistan, it is absolutely essential that we make it clear to the Government in those countries that we are expecting progress on freedom of religious belief. We need to remember that many of the worst conflicts in the world have happened because people of different religions have clashed, so promoting harmony between religions is one of the best long-term ways of promoting peace.

**Paul Masterton:** Does the Foreign Secretary share my concern that often the persecution of Christians does not get the attention that it deserves—almost as though there was a bizarre hierarchy of victims, whereby they are not deserving of the same degree of attention as others? If we are serious about tackling freedom of

religious belief and expression, we need to ensure that much more attention is given to some of the awful examples of persecution of Christians right around the world, and that the Government are not ashamed to step up and call it out.

**Mr Hunt:** My hon. Friend is right. I think it is fair to say that there has been some hesitation in the past in our embracing the issue of persecution of Christians—whether from a misguided concern about our history and the role of missionaries, I do not know—but now is the time when we have to put all that behind us and say that freedom of religious belief is an essential and indivisible part of freedom, full stop. The UK should always be on the right side of that issue.

**Derek Twigg** (Halton) (Lab): Christians are among the most persecuted believers in the world, and clearly we have to do more to help. I welcome what the Foreign Secretary has said about the work that he has commissioned. Are Christian women not often doubly persecuted, for both their religion and their gender? That needs looking at very closely as well; there needs to be more work around the world with Governments to tackle that problem.

**Mr Hunt:** The hon. Gentleman is absolutely right. I would widen the point even further, and say that women from all religions, not just Christian religions, are double victims. Where there is persecution of any religion, often women come off worst. I think the most inspiring example of courage in the face of that persecution is Nadia Murad, the recent Nobel peace prize winner, a Yazidi campaigner who suffered absolutely horrifically but is an inspiration to persecuted women all over the world.

**Helen Jones** (Warrington North) (Lab): Could the Government go one step further in contesting the persecution of Christians around the world by making it clear that Asia Bibi, who has been persecuted for many years for her faith, will be offered asylum in this country for herself and her family, should she wish to accept it?

**Mr Hunt:** I thank the hon. Lady for her interest in the Asia Bibi case, which I know is shared in all parts of this House. I reassure the hon. Lady that making sure that she is safe, and has somewhere safe to go, is a top priority for this Government. We have had numerous private discussions with the Pakistani Government about how to progress this issue. I do not want to go into the details of those discussions, but we are making progress and I am very hopeful that this will have a positive outcome.

**Chris Evans** (Islwyn) (Lab/Co-op): Risca in my constituency has a large Egyptian Coptic church, to which many people travel every weekend to worship. Many of their family members and friends are subject to terrible persecution in Egypt and have been, as the Secretary of State knows, subject to terrorist acts. What reassurance can he give my constituents and those who travel to the Coptic church that everything is being done to stamp that out?

**Mr Hunt:** The atrocities suffered by the Copts are some of the very worst suffered by Christians anywhere, and there have been several examples of those in Egypt. However, the Egyptians are trying very hard to address

these issues. They recently opened a brand-new cathedral, and that is a big step forward for any country in the middle east. We obviously want to encourage them on the journey.

**Helen Goodman** (Bishop Auckland) (Lab): It is good that the Foreign Secretary has come to the peace zone—this Chamber—this morning.

China continues to be one of the most dangerous places in the world to be a Christian. Non-approved churches are being closed down and pastors are being jailed. How does he intend to strike the balance between valuing China as a post-Brexit trade partner and standing up for those people in China whose human rights are being abused because of their religion?

**Mr Hunt:** I thank the hon. Lady for asking that question. Of course China is an important country with which we have critical relations in the world, but having those relations means that we have to be able to raise issues of concern when we meet our Chinese counterparts. That is what I did when I visited China in August last year and raised concerns about freedom of religion in Xinjiang province. We had the universal periodic review in November last year, and concerns were also raised at the 40th session of the United Nations Human Rights Council. We will continue to raise those concerns with China at every opportunity.

#### Rules-based International Order

3. **John Lamont** (Berwickshire, Roxburgh and Selkirk) (Con): What steps he is taking to strengthen the rules-based international order. [910162]

**The Secretary of State for Foreign and Commonwealth Affairs (Mr Jeremy Hunt):** The rules-based international system has made the world collectively massively safer and more prosperous than it has ever been before. This country played a major role in setting it up and we will always defend it, as we did when we held Russia to account after the terrible attack in Salisbury.

**John Lamont:** It has now been five years since the annexation of Crimea by Russia and since then Putin has repeatedly proved to be one of the greatest threats to the rules-based international order. The UK has led international efforts to try to make Russia see sense, and this has very much taken place online and in the media. With this in mind, will the Foreign Secretary join me in urging Members of Parliament to think twice about appearing on Russia Today, which remains a propaganda tool of the Russian state?

**Mr Hunt:** I absolutely agree with my hon. Friend's comments; he could not be more right. It is incredibly important that when Russia does things such as invading neighbouring countries, as it did in Crimea, no one in this House should say things such as the Leader of the Opposition said, which is that Russia has more right on its side than Ukraine. That is quite wrong, and it is giving people permission to do that kind of thing again.

**Stephen Twigg** (Liverpool, West Derby) (Lab/Co-op): Climate change is the biggest challenge facing the world today. Will the Foreign Secretary tell us what the Government are doing to maintain an international



focus on this and, in particular, what representations he has made to the Trump Administration in the United States on this crucial question?

**Mr Hunt:** We have been investing a huge amount in our global leadership on climate change, and we are the G20 country that has the biggest drop in emissions per unit of GDP. We are also bidding to host COP 26, which will be the next big climate change conference on the fifth anniversary of the Paris conference. We have a different view from that of the Trump Administration, and we are very open about that with them. It is all the more important that the countries that do not share their view and that think we have a responsibility to future generations should stand proud in our support for this vital agenda.

**Tom Tugendhat** (Tonbridge and Malling) (Con): My right hon. Friend has made powerful comments about the role of the United Kingdom as a network player in the international rules-based system. Will he tell the House a little bit about the work he has been doing with our European partners, especially after the Foreign Affairs Committee published its report about a year ago on how to look forward to working with our European partners, on supporting the international order and the international rules-based system that Britain played such an important part in building?

**Mr Hunt:** I thank my hon. Friend for raising that issue. In all the debates we have about Brexit—I have now met my counterparts in every EU country—the one thing that comes across loud and clear is that the part of the world that has suffered the most from not having adherence to a rules-based international order is Europe. That is why European countries say to us constantly that they want to continue to have their vital strategic and military relations with the United Kingdom, whatever the outcome of Brexit, and that they want Britain to play a strong and influential role in upholding the rules-based order across the world. That is what we will do.

**Gareth Thomas** (Harrow West) (Lab/Co-op): The rules-based international order would be strengthened if countries were seen to be held accountable for adhering to the conclusions of the United Nations Human Rights Council. What steps are Ministers taking to hold Sri Lanka to account for its failure to bring to justice those who are guilty of perpetuating major human rights abuses?

**Mr Hunt:** This is something on which my right hon. Friend the Minister for Asia and the Pacific has done an enormous amount of work through his contacts with the Sri Lankan Government. The hon. Gentleman is absolutely right to raise that issue, not least because many members of the Sri Lankan community in this country have a great deal of concern about it. Overall, the picture in Sri Lanka is remarkably better than it was a decade ago. However, there will never be lasting peace unless there is justice and accountability for the things that went wrong.

**Sir Nicholas Soames** (Mid Sussex) (Con): Is it not a matter of the greatest regret that our most important ally, the United States, is in clear contravention of United Nations Security Council resolution 497 by

recognising Israeli sovereignty claims over Golan? As annexation of territory is prohibited under international law, will the Foreign Secretary send a very strong message to the United States that the British House of Commons condemns unreservedly this breach of the rules-based order?

**Mr Hunt:** I am happy to do that. My right hon. Friend is absolutely right—we should never recognise the annexation of territory by force. That has been one of the great achievements since the founding of the United Nations. I do that with a very heavy heart, because Israel is an ally and a shining example of democracy in a part of the world where that is not common. We want Israel to be a success, and we consider it to be a great friend, but on this we do not agree.

**Hannah Bardell** (Livingston) (SNP): If we are to maintain a rules-based international order and strengthen it, the Foreign Secretary will agree that reciprocal arrangements for our constituents when they go abroad or when citizens of other countries come here are absolutely vital. Julie, the niece of my constituent, Deborah Pearson, was killed—murdered—by her ex-partner in Eilat in Israel at the end of 2015. I have raised this with the Foreign Secretary's predecessors, but we are no further forward. We now know that the police were called five times, but they palmed her off, saying that she was a nuisance. She had 78 bruises on her body, and lost over a litre of blood. Will he meet me so that we can get justice for Julie and Deborah, my constituent?

**Mr Hunt:** I thank the hon. Lady for raising that case. Obviously, our hearts go out to her constituent's family over a truly terrible incident. My right hon. Friend the Minister for Asia and the Pacific is very, very happy to meet her and make sure that we are doing everything that we can.

**Emily Thornberry** (Islington South and Finsbury) (Lab): May I join you, Mr Speaker, in welcoming our distinguished and learned visitor, Gareth Evans, who continues to make a vital contribution, as he has throughout his career, to the concept of the rules-based world order? On that subject, we must note that it is six months to the day since Jamal Khashoggi was brutally murdered by Saudi agents in their embassy in Istanbul. The greatest tribute that we can pay to him today is not to look back at his death but to look at the murder of innocent children in Yemen whose lives he tried to save with his journalism and which matter just as much as his did.

I realise that I have not asked a question, so let me say this. In that light, what possible justification can the Foreign Secretary offer for the Saudi air strike last week on the Save the Children-supported hospital in Kitaf, which was clearly marked on the Saudi no-strike list? The strike killed three adults and four children, including an innocent child aged just eight years?

**Mr Hunt:** Let me tell my opposite number that that is exactly why we are doing everything that we possibly can to try to create peace in Yemen. It is why I am the first western Foreign Minister to meet the Houthi side, even though they were the ones that were the cause of the conflict when it began four years ago. I am the first

western Foreign Minister to visit Yemen to see where we could progress the Stockholm accords. I am not prepared to let Labour pose as the great humanitarians, as their foreign policy is to support an evil regime in Venezuela that stops its own people accessing food and medicine—it just does not work.

**Several hon. Members** *rose*—

**Mr Speaker:** We need to speed up, because progress is slow.

**Emily Thornberry:** Does the Foreign Secretary understand the frustration we feel in this House when time and again over the last four years, including on Jamal Khashoggi, we get the same response from the Government? They regret what happened, they want a proper investigation by the Saudis, they promise real consequences and nothing ever happens. There is no investigation, there are no consequences and bin Salman carries on with complete impunity.

I ask the Foreign Secretary yet again what it will take for this Government finally to tell bin Salman that he cannot keep getting away with murder.

**Mr Hunt:** The right hon. Lady just is not reflecting what has happened. Thanks to action by this Government and other Governments, a judicial process started in Saudi Arabia on 3 January and we are sending observers. We have a UN special rapporteur, Agnes Callamard, who is responsible for looking at extrajudicial, summary or arbitrary executions, and she is leading an independent international inquiry.

When I became Foreign Secretary—the right hon. Lady was shadow Foreign Secretary then, too—we did not have a peace process in Yemen, and now we do, which is thanks to the UK and the huge diplomatic effort we have been making.

### Venezuela

5. **Alec Shelbrooke** (Elmet and Rothwell) (Con): What discussions he has had with the Lima Group on the political and security situation in Venezuela. [910165]

18. **Mark Menzies** (Fylde) (Con): What discussions he has had with the Lima Group on the political and security situation in Venezuela. [910178]

**The Minister for Europe and the Americas (Sir Alan Duncan):** On 4 February, I attended a Lima Group meeting in Ottawa at the invitation of the Canadian Foreign Minister. At the meeting I spoke to the Foreign Ministers of Colombia and Brazil about the crisis in Venezuela. I have also spoken recently to Chilean Foreign Minister Ampuero and Peruvian Vice-Foreign Minister de Zela. We continue to work closely with the Lima Group, the Organisation of American States, the United States and like-minded European and international partners to find a peaceful solution to the crisis in Venezuela.

**Alec Shelbrooke:** The Labour party and its leadership have an unforgivable record of defending the Maduro regime, which is so toxic that people have started leaving the party. Can my right hon. Friend assure the House that this Government condemn the human rights abuses and the regression of democracy, and will continue to

promote freedom and democracy and offer support to surrounding countries that are dealing with the refugee crisis as a direct result of this abhorrent regime?

**Sir Alan Duncan:** I can give assurance to my hon. Friend on all those things. We are working closely with all international partners to find a resolution to the fact that the Maduro regime has completely bankrupted his country and made it destitute to the point where 3.6 million people have fled to neighbouring countries.

**Mark Menzies:** Throughout my visits to the region, it has become abundantly clear that the humanitarian situation in Venezuela is having a huge impact across Latin America. What steps is my right hon. Friend taking to address the consequences of the continued political humanitarian abuse?

**Sir Alan Duncan:** May I first congratulate my hon. Friend on all his work in the region as an effective trade envoy? He has built up some very good relationships to our benefit.

We are, of course, working with the Department for International Development to deliver a humanitarian aid package of over £6.5 million, on top of the multilateral activity to which we always contribute in such a significant way.

**Conor McGinn** (St Helens North) (Lab): In its declaration last month, the Lima Group called on the UN high commissioner for human rights to publish a report on human rights abuses in Venezuela. Can the Minister tell us what discussions he has had with the United Nations about this? Although the UN has been vociferous about the impact of sanctions on the regime, it has been strangely silent on the curtailment of the freedom of the press and other human rights abuses in Venezuela.

**Sir Alan Duncan:** I am delighted to hear an Opposition Member raise the topics of the abuse of human rights and freedom, on which we have been speaking very loudly and on which we are working very deeply with the Lima Group. The fundamental issue is Venezuela's poverty. People cannot get basic goods, and the fact that President Maduro is blocking aid from getting into his own country is so contemptible that, on both sides of the House, we should all speak with one voice in condemning it.

**Mr Gregory Campbell** (East Londonderry) (DUP): Given the continuing humanitarian and political crisis in Venezuela, does the Minister agree that we need to ensure that both the Lima Group and other Government agencies in both North America and South America additionally press President Maduro to ensure that food supplies are delivered to the people of Venezuela?

**Sir Alan Duncan:** Yes, indeed. All countries across the world have to do their bit. Canada and the European Union international contact group are doing a lot. We all have to work together, and one of the most concerning developments at the moment is that President Maduro is trying to strip Juan Guaidó of the immunity he enjoys as a member of the National Assembly. We in this House should send out a very clear message today that that would be utterly unacceptable and that Juan Guaidó is the interim President we recognise.

### Colombia Peace Process

6. **Christian Matheson** (City of Chester) (Lab): What assessment he has made of the progress on the Colombia peace process. [910166]

**The Minister for Europe and the Americas (Sir Alan Duncan):** Since 2016, Colombia has made significant progress in its peace process; the FARC is now a political party and the last elections were the safest in decades. I reaffirmed our full support for the peace process with the Colombian Foreign Minister on 4 February in Ottawa. The UK has expressed concern to the Colombian Government over delays in the transitional justice system, which is a critical part of the peace process. We continue to support the process through the conflict stability and security fund.

**Christian Matheson:** I understand that there were a couple more paramilitary killings last week. Did the Minister read the report by Michel Forst, the UN special rapporteur, who has said that the national landscape continues to be plagued by violence, particularly gender-based violence? Will the Minister put the problem of the continuing structural gender-based violence in Colombia on the agenda for the November conference on the preventing sexual violence initiative?

**Sir Alan Duncan:** Yes, I certainly will, because preventing sexual violence against women is one of the UK's human rights priorities in Colombia. Indeed, Foreign Office officials recently met the hon. Member for Bishop Auckland (Helen Goodman) to discuss that. I hope that illustrates once again the extent to which we are really working together across the House to tackle these vexed problems at all levels, in every way we can.

### Diplomatic Relations: Saudi Arabia

7. **Mrs Emma Lewell-Buck** (South Shields) (Lab): What recent assessment he has made of the strength of the UK's diplomatic relations with Saudi Arabia. [910167]

**The Secretary of State for Foreign and Commonwealth Affairs (Mr Jeremy Hunt):** I visited Saudi Arabia most recently on 2 March. We have a long history of close co-operation in support of regional stability, alongside frank conversations on areas of concern, including human rights.

**Mrs Lewell-Buck:** I thank the Foreign Secretary for that answer. A UN human rights expert has said that the court proceedings relating to the murder of Jamal Khashoggi have been secret and fall short of international standards, and it was reported only today that Saudi Arabia is paying his family so that they continue to show restraint in their public statements. Can the Foreign Secretary update us on any conclusions that he has reached from the promised credible investigation into the murder?

**Mr Hunt:** I can assure the hon. Lady that we have been clear from the outset that what happened to Khashoggi was fundamentally against our values, and that there has to be full accountability and a transparent judicial process that meets international standards. That process

has started and we continue to monitor it; we are sending observers to see what happens in the trial process. We continue to exercise our strong views on the issue, in private and in public.

13. [910173] **Dr Paul Williams** (Stockton South) (Lab): Leaked medical reports published in *The Guardian* last weekend showed that Saudi political prisoners have been subjected to torture, some are malnourished and others have been denied access to medical care. Are the Government silent on this?

**Mr Hunt:** Absolutely not. I raised the issue of detained women campaigners when I was recently in Saudi Arabia, and the Prime Minister has raised the case of Raif Badawi, the blogger who was sentenced to 1,000 lashes. The interesting thing about the report, if it is true, is that it was commissioned by the King, who wants to understand what is going on in the prisons, to ensure that they meet international standards of humanitarian justice.

**Ann Clwyd** (Cynon Valley) (Lab): Can the Foreign Secretary confirm that in the past week three women human rights activists have been released conditionally on bail in Saudi Arabia? What are the Government doing to press for the release and discharge of other women in prison?

**Mr Hunt:** I had not heard that report, but it would be excellent news. I can reassure the right hon. Lady that I raised the issue when I met the Saudi Foreign Minister on my recent visit. We have asked to have access to the trials, but that has been denied. We continue to follow the case very carefully and press it at every opportunity.

### Middle East

8. **Guto Bebb** (Aberconwy) (Con): What assessment he has made of the diplomatic implications of rocket fire from Gaza towards Tel Aviv. [910168]

**The Minister for Asia and the Pacific (Mark Field):** We are concerned by the recent violence in Israel and Gaza, and we welcome the Egyptian efforts to de-escalate the situation. At the UN Security Council on 26 March, the UK condemned the rocket attacks, which injured two British-Israeli citizens. We regret the loss of life, including the death of four children in protests over the weekend—mercifully, fears of major violence were not realised. Our diplomats in the region urge all parties to continue to demonstrate restraint in the tense days that lie ahead.

**Guto Bebb:** I thank the Minister for his response and associate myself with his comments. Last month, more than 60 rockets were fired from Gaza towards Israel. Two were intercepted above Tel Aviv, while another destroyed a residence in central Israel that was occupied by a British-Israeli family, resulting in injuries, including to a six-month-old baby. What steps are the Government taking to support our ally, Israel, as it fights this terrorist attack on the country?

**Mark Field:** I think we all recognise that Israel is an important strategic partner for the United Kingdom and that we need to collaborate actively on issues of



defence, security and intelligence. In October 2018, the Government launched the UK-Israel counter-terrorism dialogue to share best practice and insights on a wide range of capabilities. We are now committed to holding such a dialogue annually, which will help to complement the already strong operational relationship between our countries.

21. [910181] **Lloyd Russell-Moyle** (Brighton, Kempton) (Lab/Co-op): Two weeks ago at the United Nations Human Rights Council, the UK abstained on a motion to support accountability for violations of international law in the occupied Palestinian territories. Since then, another Palestinian health worker, Sajid Muzher, has been shot and killed by Israeli forces—the fourth in just this year. Does the Minister agree that the killing of Palestinian medics is fuelled by the impunity that results from countries not voting at the UNHRC? Will we use our vote in future?

**Mark Field:** There are two issues at stake, so I shall go into some detail, if I may. We abstained on that UNHRC resolution calling for an inquiry on the basis that the substance of such a resolution must be impartial and balanced. We could not support such an investigation when the resolution refused explicitly to call for an investigation into non-state actors such as Hamas. I should also say—this relates to the hon. Gentleman's Question 21—that we have stressed and will continue to stress the importance of protecting and delivering medical services, particularly in Gaza. As recently as 28 March, the Department for International Development announced a new £2 million package for the International Committee of the Red Cross, which will contribute to the delivery of urgently needed supplies.

**Bob Blackman** (Harrow East) (Con): What action has my right hon. Friend taken, given that Hamas is organising for women and children to go to the border between Gaza and Israel and therefore provoking violent confrontations?

**Mark Field:** Clearly, we want to try to avoid violent confrontation at all costs. As I said in my earlier answer, mercifully the major concerns about violence at the protests this weekend, which we felt could have been a lot more serious than they were, were not realised. My hon. Friend will recognise that we do all we can on the ground to try to defuse some of the tensions. That is an important part of our diplomatic work, which we do with other countries as well, of course.

**Joan Ryan** (Enfield North) (Ind): I utterly condemn the latest rocket attacks that the hon. Member for Aberconwy (Guto Bebb) raised. We know that Hamas is given tens of millions of dollars a year by Iran to fund these terrorist acts. What steps are the Government taking to stop the Iranian regime funding barbaric middle east terror groups such as Hamas?

**Mark Field:** The right hon. Lady is absolutely right. She will recognise that Hamas is one of a number of Iranian proxies in the region. Our position is that Hamas must renounce violence, recognise Israel and accept previously agreed and signed agreements. We condemn Hamas and other terrorist groups for firing rockets into Israel from not only Gaza but elsewhere, in

the way described by my hon. Friend the Member for Aberconwy (Guto Bebb). Those groups must permanently end such attacks against both civilians and defence forces.

### Overseas Soft Power

9. **Alan Mak** (Havant) (Con): What steps he is taking to enhance UK soft power overseas. [910169]

15. **Craig Mackinlay** (South Thanet) (Con): What steps he is taking to enhance UK soft power overseas. [910175]

**The Minister for Asia and the Pacific (Mark Field):** We regard the UK as a soft power superpower, and this is widely recognised in independent international surveys and reports. [*Interruption.*] A few more tongue twisters and I will be anyone's! This is the sort of thing you want to do at 11 in the morning, not 11 o'clock at night. The FCO vigorously continues to support the UK's soft power through the funding of, among others, Chevening scholarships, the British Council and the BBC World Service.

**Alan Mak:** The Commonwealth is one of the driving forces of UK soft power around the world. What plans does my right hon. Friend's Department have in place to capitalise on these relationships to improve our power and security?

**Mark Field:** My hon. Friend is absolutely right that the UK has an unbreakable connection to the Commonwealth and the democratic, inclusive values that it upholds—we discussed earlier the importance of maintaining a rules-based international order, particularly in these uncertain times. The Commonwealth also proudly represents some of the fastest-growing economies and accounts for one fifth of global trade. We shall of course continue to work closely with all members of the Commonwealth to ensure that it realises its full potential in that regard, and to ensure a more sustainable, prosperous and secure future.

**Craig Mackinlay:** Royal Yacht Britannia played a key role in promoting UK trade around the globe during her years of active service. More than 50 Members of this House believe that such a role would be enhanced post Brexit and that a new national yacht would help to promote our international humanitarian role. Will the Government now support our campaign in this brave endeavour?

**Mark Field:** I fear that I may have to disappoint my hon. Friend, who represents a coastal constituency. As a regular visitor to Broadstairs in his constituency, I know what a wonderful part of the country it is, but I have to inform him that there are no plans to commission a new royal yacht for the royal family.

**Mr Barry Sheerman** (Huddersfield) (Lab/Co-op): Can we include in soft power the work of the Commonwealth Parliamentary Association and the Inter-Parliamentary Union? Will the Minister help us to breathe life into those organisations so that we can get meaningful dialogue on the issues that really worry us, such as the rights of

Christians, including the persecution of Christians in Pakistan? Why are we not having that sort of debate here?

**Mark Field:** I say to the hon. Gentleman that, with regard to the CPA and the IPU, we do. I appreciate that, for many Members who wish to get more engaged, travelling is obviously difficult because of the nature of the electoral arithmetic at the moment. May I also point out the incredibly hard work that goes on at the Westminster Foundation for Democracy, particularly with regard to getting constitutional change in many parts of the world? Many of those programmes are done on a cross-party basis, which provides a very positive stance for UK democracy abroad and will, hopefully, enhance aspects of the soft power to which he refers.

**Stephen Gethins** (North East Fife) (SNP): Can the Minister tell us what impact Brexit has had on the UK's reputation, and whether a no-deal Brexit will be better or worse for that reputation?

**Mark Field:** Ironically, a recent UN report showed the UK rising up the happiness league, but I appreciate that some of these surveys cannot be relied on too much. On a serious note, the hon. Gentleman makes a fair point, and it is a concern for all of us as Foreign Office Ministers who work abroad. It is very easy for us in this country to be a little bit self-deprecating about Britain and its brand abroad, but I am always very struck—certainly in Asia and the Pacific, and, with my new responsibilities, in the middle east—by just how respected the UK and its brand are. Those countries recognise that there are some uncertainties at the moment, but that view will continue.

**Stephen Gethins:** I am glad that the Minister recognises the challenges, but as he might have said in “Jaws”, “You’re going to need a bigger yacht.” We have heard Pascal Lamy talk about the UK's reputation being much diminished and Jürgen Maier from Siemens talk about the country's tremendous reputation as an economic powerhouse being wrecked. We need to address that, as it is not good for any of us. Will the Minister recognise that before this Government take us down the route of a disastrous no deal?

**Mark Field:** It is incumbent on all of us not to talk the country down in what we appreciate are difficult times. We want to see progress—significant progress—in this regard. I am struck by the fact that we are experiencing slightly hyperbolic, frenzied activity in this House and, dare I say it, among some commentators. As I have said, what I see on the ground is that we have been respected for many, many decades and that a huge amount of work goes on, not least in the soft power area. I am sure that that will go from strength to strength in the years to come.

**Mr Khalid Mahmood** (Birmingham, Perry Barr) (Lab): Lord Ricketts, the former head of the Foreign Office and an expert in soft power, said last month:

“The Foreign Secretary is making a big mistake if he thinks this...blame game over Brexit is going to change any minds in Europe.”

Does the Government accept that Lord Ricketts is right, and that the only ones responsible for this Brexit mess are this Government alone?

**Mark Field:** I had a chance to speak directly with Lord Ricketts in a radio studio a week ago. He recognises, I think, the difficulties that we face in dealing with the Brexit negotiations. I have been out not just to Brussels, but to the OECD in Paris recently. Again, I was very struck, as I worked with counterparts, by the fact that there is an important agenda, and that many European countries recognise the importance of the UK. We need to have the strongest of relationships. Clearly there are uncertainties about the precise nature of our departure from the European Union, but that is a part of it.

**Sir Hugo Swire** (East Devon) (Con): Will my right hon. Friend commit to speaking with his other partners in the Government to try to obtain more funding for the GREAT campaign, which plays an extraordinarily important role in promoting the UK—and our products and companies—globally?

**Mark Field:** The GREAT campaign is a fantastic success. Part of my role is to deal with communications, representing the Foreign Office on a cross-departmental basis. We recognise the importance of this particular campaign and work strongly on it, particularly with the Department for International Trade.

**Several hon. Members** *rose*—

**Mr Speaker:** We are late, but if colleagues were in a caring, sharing mood, and were prepared to consider each other, we could get through a little more.

### Catalonia

**10. Marion Fellows** (Motherwell and Wishaw) (SNP): If he will take steps to promote human rights and self-determination for Catalonia in Spain. [910170]

**The Minister for Europe and the Americas (Sir Alan Duncan):** Thank you so much, Mr Speaker; I am ever grateful.

As I have previously made clear to the House, the situation in Catalonia is a matter for Spain. We remain clear that questions related to the issue of Catalan independence should be resolved within the proper constitutional and legal channels of Spain.

**Marion Fellows:** It is everyone's responsibility—including this Government's—to uphold human rights. Far from becoming the major global player that Brexiteers imagine, the UK appears more and more irrelevant on the world stage. Is it the case that the UK Government are not seeking to uphold self-determination for Catalonia because they need Spain's help in further Brexit negotiations?

**Sir Alan Duncan:** No, it is because we uphold the rule of law, as we have discussed earlier in questions. We uphold the rule of law here with Scotland and we uphold it in Spain with regards to Catalonia. Certain accusations that Spain somehow has political prisoners are absurd. It does not have political prisoners; it has prisoners who happen to be political.

**Richard Graham** (Gloucester) (Con) *rose*—

**Mr Speaker:** A sentence, Mr Graham.

**Richard Graham:** Tolerance of people of different faiths and sexualities is incredibly important for the promotion of human rights. Does my right hon. Friend therefore share the disappointment of many that tomorrow the kingdom of Brunei—a key Commonwealth partner and long-term ally of the UK—is introducing the death penalty for homosexuality?

**Mr Speaker:** No, no, no—sit down. The question is about Catalonia. *[Interruption.]* Well, I have been advised, and I am afraid that the question did not strike me as in order. We must move on. The hon. Gentleman can try again later.

### Lebanon

11. **Bob Stewart** (Beckenham) (Con): What recent diplomatic steps he has taken to help ensure a secure and stable Government in Lebanon. [910171]

**The Minister for Asia and the Pacific (Mark Field):** The UK remains fully committed to helping to promote Lebanon's security and stability. The Prime Minister conveyed that message to Prime Minister Hariri as recently as 24 February. We provide direct support to Lebanon of over \$200 million a year. These funds help to secure borders, to provide the opportunity of education and to strengthen service delivery.

**Bob Stewart:** What specific security assistance are Her Majesty's Government providing on the borders of Lebanon?

**Mark Field:** I thank my hon. Friend for his question, as I know he takes these matters extremely seriously. We have invested more than £60 million in Lebanese security since 2012. By 2020, we shall have trained over 11,000 soldiers in specialist and essential infantry skills and techniques for urban and rural security operations across the board. This assistance includes significant support for the land border regiments, and has helped to secure Lebanon's border with Syria for the first time in its history.

**Jim Shannon** (Strangford) (DUP): Some 1.25 million Christians have fled Syria to go to Lebanon. Will the Minister confirm what help he has been able to give to those Christian refugees?

**Mark Field:** I know that the hon. Gentleman takes these matters extremely seriously, and the House greatly respects him for that. Many of those refugees, and some Palestinian Christians, have been in Lebanon in waves going back 20 or 30 years. Obviously, a huge amount of Department for International Development work goes on in the area. We recognise that many people have been there for quite some time and will be there for quite some time to come, and we therefore try to enhance their economic opportunities. The UK has played a leading part in trying to ensure tariff-free access to EU markets for many of those individuals.

### Lesotho

12. **Ian C. Lucas** (Wrexham) (Lab): If he will make an assessment of the level of democratic governance in Lesotho. [910172]

**The Minister for Africa (Harriett Baldwin):** Lesotho continues to experience political fragility and democratic and development challenges. Together with the Southern African Development Community, we are working to support the implementation of governance reforms.

**Ian C. Lucas:** Prime Minister Tom Thabane and Minister John Maseribane both admitted to Channel 4 News that they had received payments into their personal bank accounts from Mr Arron Banks. Will the Minister meet me to discuss governance in Lesotho, its current position in the Commonwealth and the advice that she is giving to British companies operating in Lesotho about the Bribery Act 2010?

**Harriett Baldwin:** I welcome the hon. Gentleman's question, and the strong links that exist between people in Wales and people in Lesotho. Of course, I am always delighted to meet the hon. Gentleman. Regarding the allegations made on Channel 4, we urge anyone with evidence to give it to the appropriate authorities.

### Topical Questions

T1. [910185] **Lloyd Russell-Moyle** (Brighton, Kemptown) (Lab/Co-op): If he will make a statement on his departmental responsibilities.

**The Secretary of State for Foreign and Commonwealth Affairs (Mr Jeremy Hunt):** I start by paying tribute to my right hon. Friend the Member for North East Bedfordshire (Alistair Burt), who stepped down last week. He served twice as Minister for the Middle East and was immensely respected and liked both in the Foreign Office, which does not happen with all Ministers, and in this House for his integrity, wisdom and kindness.

Tomorrow marks the third anniversary of the detention of Nazanin Zaghari-Ratcliffe in Iran. I know that I speak for the whole House in hoping that the Iranian authorities will see beyond the differences between our two countries and allow this innocent woman to come home and join her family.

**Lloyd Russell-Moyle:** Today is the 107th day of Imam Sis's hunger strike. My hon. Friend the Member for Enfield, Southgate (Bambos Charalambous) and I visited him in Newport East this weekend. He is one of 1,000 Kurds on hunger strike around the world, demanding that Abdullah Öcalan is allowed access to his lawyer and removed from solitary confinement. Turkey is a NATO member and has the highest number of MPs and journalists in prison in the world, following—

**Mr Speaker:** Order. I am sorry, but this is an abuse of the House. What we want is a one-sentence question with a question mark at the end of it. Lots of other colleagues want to take part. One question, Mr Russell-Moyle.

**Lloyd Russell-Moyle:** Has the Foreign Secretary raised the matter with Turkey, and will he send representations to the Council of Europe following the Welsh Assembly's resolution?

**Mr Speaker:** Excellent. Thank you.



**Mr Hunt:** I am very happy to look into the case in detail for the hon. Gentleman. Turkey may be a NATO ally and an important friend of the United Kingdom, but that does not prevent us from raising important human rights issues.

T2. [910186] **James Cleverly** (Braintree) (Con): What assessment has the Department made of the validity or otherwise of accusations of vote rigging in the recent Nigerian elections? Further to that, what support will be given to ensure the integrity and independence of the judiciary in Nigeria and the upholding of the rule of law?

**The Minister for Africa (Harriett Baldwin):** The UK was one of the funders of what is known as a parallel voter tabulation exercise, which is like an extensive BBC exit poll. It gave a result that was consistent with the officially declared results, and our Prime Minister called President Buhari to congratulate him on his re-election. However, we are aware of various reports from both our observers and others, and a strong stance against election-related violence was taken yesterday in my meetings with Nigerian opposition leaders, where I emphasised that concerns must be taken through the judicial process and that the independence of the judiciary in Nigeria is incredibly important.

**Fabian Hamilton** (Leeds North East) (Lab): As my hon. Friend the Member for Gower (Tonia Antoniazzi) said in respect of Cameroon, if Brunei does not abandon its barbaric proposals to whip or stone LGBT+ individuals to death, will the Minister of State guarantee that the Government will ask their counterparts on the Commonwealth Ministerial Action Group to consider Brunei's immediate suspension?

**The Minister for Asia and the Pacific (Mark Field):** I raised with the Bruneian Government my concerns over the introduction of the hudud punishment most recently in a letter to the deputy Foreign Minister on Friday 29 March, and I discussed the imminent introduction of the Sharia penal code when I was in Brunei last August. Our high commissioner Richard Lindsay in Bandar Seri Begawan has also received assurances that both common law and the sharia penal code will operate in parallel for all nationals and residents, including British citizens, and be the primary means of administering justice in Brunei. We will continue to lobby to ensure that any British citizens in Brunei will be subject to common law rather than the penal code.

T3. [910187] [R] **Theresa Villiers** (Chipping Barnet) (Con): I thank the Government for securing United Nations Human Rights Council resolution 34/1 on Sri Lanka, but do Ministers share my grave disappointment that, 10 years after the horrors of Mullivaikkal, no one has been brought to justice for war crimes in the Sri Lankan conflict?

**Mark Field:** I reiterate the earlier comments of my right hon. Friend the Foreign Secretary. We welcome Sri Lanka's co-sponsorship of a new resolution of the UNHRC in March, which continues its reconciliation and accountability commitments. However, I understand that my right hon. Friend speaks for many of her constituents who come from the Tamil part of Sri Lanka. As a penholder, the UK has played a leading role in

trying to bring the parties together, but while we accept that positive steps have been taken, much faster progress is needed. We shall continue to urge Sri Lanka to implement fully its commitments under UNHRC resolutions 30/1 and 34/1.

T5. [910191] **Toby Perkins** (Chesterfield) (Lab): I draw the House's attention to my entry in the Register of Members' Financial Interests. The Foreign Secretary has spoken about the pernicious role of the Iranian Government in various disputes around the middle east, not least in support of the Houthis in Yemen. What more can he tell us about what Britain is doing alongside his counterparts around the world to put serious pressure on the Iranians, not only on human rights abuses in their own country but on the appalling role they play right across the middle east?

**Mark Field:** The hon. Gentleman is right; Iran's human rights record remains a matter of serious concern. On 17 December, the UK co-sponsored a UN resolution on human rights in Iran, highlighting its failure to meet a whole range of international obligations in that area.

T4. [910189] **Neil Parish** (Tiverton and Honiton) (Con): Newly elected President Mnangagwa of Zimbabwe is not restoring good governance and human rights or rooting out corruption in the country. What more can we do as a soft power superpower to ensure that the Zimbabwean Government root out corruption, recognise human rights and bring in inward investment, to return prosperity to that great country?

**Harriett Baldwin:** I welcome my hon. Friend's question and reassure him that we are doing everything we can. We summoned the Zimbabwean ambassador to the UK to register our concerns about the human rights violations and abuses that were noted in the January fuel protests. I travelled to southern Africa and met a range of neighbours to encourage them to send the same message as Commonwealth countries to the Government of Zimbabwe. If the Government of Zimbabwe would only follow through with the things they have said they will do, we would not be in this situation.

T7. [910193] **Mr Barry Sheerman** (Huddersfield) (Lab/Co-op): Will the Secretary of State consider hosting a major conference on the rights of women? Is he not disturbed by the reports of rape being used worldwide against women as a punitive measure? It is scandalous, and the lion woman's brave avenging of the rape of her daughter should be celebrated—cautiously, of course. Can we have an international conference on the rights of women?

**Mr Hunt:** Yes we can, and indeed we will. This November, we will host a major conference on the prevention of sexual violence as a tool of conflict. I have met Nadia Murad and Dr Denis Mukwege, the Nobel peace prize winners who have campaigned on this issue. Whether it is Colombia, the Democratic Republic of the Congo, Iraq or Burma, we are clear that this has to become an international taboo.

T6. [910192] **Mr Philip Dunne** (Ludlow) (Con): What advice would my right hon. Friend give to those on the Opposition Benches, and particularly on the Opposition



Front Bench, who regard the regime in Venezuela as a leading exemplar of government, despite its sending 2 million refugees into Colombia, putting up roadblocks to prevent aid from coming into the country and inviting in Russian troops to keep the peace?

**Mr Hunt:** I would say to them that the shadow Chancellor was absolutely right when he said that Venezuela was “socialism in action”.

T8. [910194] **Mr Jim Cunningham** (Coventry South) (Lab): This year marks the 10th anniversary of the end of the civil war in Sri Lanka. What is the Minister doing to promote the civil rights of Tamils in Sri Lanka?

**Mark Field:** If I may, I refer the hon. Gentleman to the answer I gave my right hon. Friend the Member for Chipping Barnet (Theresa Villiers). We are doing a lot, as a penholder, and playing a leading role in trying to bring parties together. We are pleased to see that Sri Lanka is co-sponsoring a new resolution at the Human Rights Council in March in Geneva, but I appreciate that we need to see some genuine progress, and I very much hope that the international community can come together and bring that about.

**Greg Hands** (Chelsea and Fulham) (Con): I know that the Foreign Secretary and I will both welcome the House's decision last night to reject an EU customs union. What assessment has he made of the foreign policy implications of such an arrangement, were it ever entered into?

**Mr Hunt:** I think people would see it as very curious that a country that voted to take back control was choosing to cede control in a number of areas of vital national interest. I think they would also be concerned that it would not resolve the national debate on Brexit, because many of the people who voted for Brexit would not see this as delivering a true Brexit.

**Mr Paul Sweeney** (Glasgow North East) (Lab/Co-op): Will the Secretary of State recognise the incredible action by thousands of young people across our country in striking for action on climate change? Will he not only recognise that we are facing a global emergency on climate change, but declare a national emergency on climate change, just as the Labour party has done?

**Mr Hunt:** I very much welcome young people being involved in climate change issues; I do not welcome quite so much their missing school to do so. I would say that we are making a lot of progress in this country—in fact, I think we have done more than anyone else in the G20 on climate change—but it is not enough. As a global community, we still need to do more, which is why we want to host COP 26 and galvanise the world to take more action.

**Mr John Whittingdale** (Maldon) (Con): Is my right hon. Friend aware that, already, another seven journalists have been killed in the course of their work this year, coming on top of the 80 who died last year? Two of those were in Mexico, which is one of the deadliest countries in the world for journalism. Will he say what more can be done to press the Mexican Government to take action?

**Mr Hunt:** I thank my right hon. Friend for raising this issue, and indeed for raising it consistently. He is absolutely right: Mexico is the most dangerous country in the world in which to be a journalist. The Mexican Government have taken action, and we are in touch with them closely about what they are doing. However, we need to draw the world's attention to this issue. According to the latest figures I have seen, 348 journalists were arrested or detained last year for doing their job. That is why this summer, jointly with Canada, we will be hosting the first ever international conference on media freedom at ministerial level.

**Luke Pollard** (Plymouth, Sutton and Devonport) (Lab/Co-op): What steps is the Foreign Office taking to guarantee the human rights of people in Sudan, especially since the President declared a year-long crisis in Sudan?

**Harriett Baldwin:** I am very glad the hon. Gentleman has had a chance to raise this, because it is a very serious situation, and we are engaging strongly with the Government of Sudan on the issues he raises. Most recently, I had a phone call with the Foreign Minister of Sudan in which I particularly drew attention to the women who were due to be flogged. I am very pleased to hear that they have subsequently been released.

**Crispin Blunt** (Reigate) (Con): Tomorrow, Brunei introduces a penal code that includes death for apostasy, death for adultery and stoning to death for homosexuality. I suppose at this point I should declare my interest on all three counts. Very much more seriously, what are we going to do with our super soft power to make it clear just how much this is a total violation of the standards we should share?

**Mark Field:** We have made and will continue to make representations. Obviously there are grave concerns about the nature of the sharia penal code, if it were brought into play. As I mentioned earlier, we are raising concerns about the introduction of the hudud punishment. We have a strong bilateral relationship—underpinned of course by our military presence in Brunei, as my hon. Friend will be aware—and we hope that will mitigate the potential impact of the sharia penal code on UK forces, associated civilians and their dependants.

**Emma Reynolds** (Wolverhampton North East) (Lab): What pressure can the Foreign Secretary bring to bear on the Indian Government to ensure that UK nationals in prison there have their human right to a fair trial respected? The hon. Member for West Dunbartonshire (Martin Docherty-Hughes) has been a powerful advocate for Jagtar Singh Johal. I have a similar case of an elderly constituent who has been in prison since 2015, and his family are seriously concerned about his health.

**Mark Field:** I accept that the time for which the legal process drags on in many Indian consular cases is hugely frustrating. I am obviously very happy to meet the hon. Lady in relation to this particular case.

If I may, in relation to the Jagtar Singh Johal case, let me say that I know it has been an incredibly distressing for Mr Johal and his family. I very much respect the hard work of the constituency Member of Parliament. As the hon. Member for West Dunbartonshire (Martin Docherty-Hughes) knows, we have met the family on

three occasions since Mr Johal was imprisoned at the beginning of 2018. The hon. Gentleman is going to meet the Foreign Secretary on 24 April.

**Mr Andrew Mitchell** (Sutton Coldfield) (Con): This Sunday is the 25th anniversary of the terrible genocide that took place in Rwanda, a country my right hon. Friend the Foreign Secretary knows well. The hon. Member for Wirral South (Alison McGovern), the noble Lord Popat and I will be at the ceremonies on Sunday in Kigali, representing our Parliament. Does my right hon. Friend think that the UN doctrine of the responsibility to protect—R2P—which has been so well developed by Gareth Evans, is yet sufficient to ensure that such terrible events could never take place again?

**Mr Speaker:** I hope the greatness of Gareth can be properly celebrated in the Chamber today.

**Harriett Baldwin:** I am grateful to my right hon. Friend for raising this issue. I hope to join him in Kigali this Sunday as the UK Government representative. The world can never forget the events in Rwanda 25 years ago. The world has made progress in vowing to say never again to genocide, but we must remain alert and engaged in order to prevent such incidents from happening ever again.

**Patrick Grady** (Glasgow North) (SNP): How does ignoring or dismissing the International Court of Justice ruling on the Chagos islands enhance the United Kingdom's reputation as a soft power superpower or uphold the international rules-based order?

**The Minister for Europe and the Americas (Sir Alan Duncan):** First, it was not a ruling; it was an intermediate decision and non-binding. We are of course in discussions with Mauritius, but we fully uphold our right to take the position we have taken over many years.<sup>1</sup>

**Fiona Bruce** (Congleton) (Con): The UK has a duty to prevent under the genocide convention. Mass atrocities are invariably preceded by red flags. Early warning signs, such as the persecution of minorities, happened in Burma against the Rohingya and, indeed, in Rwanda. What is the FCO doing to help identify and act on such red flags?

**Mr Hunt:** We are doing lots, but the most important thing that we have to do is make sure that when there has been genocide or alleged genocide, there is

accountability. Burma is a case in point, and we hosted a major meeting on that very issue at the UN General Assembly. If there is no accountability, people think they have a chance to get away with doing it again, and that must not happen.

**Jo Swinson** (East Dunbartonshire) (LD): Further to the earlier answers on Brunei, we are talking about people being stoned to death for being gay—having rocks thrown at their heads again and again to draw out the process of death by blunt trauma. Surely the Minister agrees that that is barbaric, inhumane and contrary to Commonwealth values. How can the Government reverse this appalling state of affairs?

**Mark Field:** As I have pointed out, the Sultan of Brunei has become more religious as he has grown older, and that is one of the reasons why he wanted to bring in the sharia penal code. I was out there last August and it was very clear to me, from speaking to him and his advisers, that they envisaged that the common law stream would continue as well. I appreciate that the headlines cause concern. I have written to their representative here in the UK and made it very clear to them that this was going to cause massive parliamentary and media concern, which obviously has come to pass over the past couple of days. Our excellent high commissioner to Brunei, Richard Lindsay, is, on a day-to-day basis, making clear those grave concerns, which have also been expressed during the course of this morning's questions.

**Robert Courts** (Witney) (Con): The 70th anniversary of NATO falls on Thursday. What message does my right hon. Friend the Secretary of State have for member states with regard to strengthening this alliance, which has done so much to keep peace over so many years?

**Mr Hunt:** NATO has, I think, been the most successful military alliance ever, and it is the foundation of our rules-based international order. My message is very simple: we must not be complacent for the future, and there is a fundamental imbalance when one half of the alliance is spending 4% of its GDP on defence and the other half—the European side—is spending between 1% and 2%.

**Several hon. Members** *rose*—

**Mr Speaker:** Order. Thank you, colleagues. I am grateful to all who took part, but we must move on. Demand, as usual, massively exceeds supply.

1. [Official Report, 3 April 2019, Vol. 657, c. 8MC.]

## Points of Order

12.43 pm

**Patricia Gibson** (North Ayrshire and Arran) (SNP): On a point of order, Mr Speaker. I gave you advance notice that I wished to raise this matter. I had a smear perpetrated against me when a snapshot of frozen film footage was printed in a tabloid paper, *The Scottish Sun*, suggesting that I was asleep during proceedings in this House. I contacted the journalist concerned, who had not shown the courtesy of contacting me before publishing this piece, to inform him that the film of the proceedings demonstrated categorically that I was not asleep but had for a second or two thrown my head back, appealing to the heavens in despair at chuntering in the Chamber while one of my colleagues was speaking.

As a result of this misleading article, I faced an outpouring of personal abuse against me over the weekend—and it continues—with words like “whore”, “bitch” and “lazy cow” being liberally sprinkled through messages, particularly on *The Scottish Sun* Facebook page. Those remarks are still online; they have not been removed, as far as I am aware.

Comments on a site in my own constituency—*[Interruption.]* Mr Speaker, this is a matter of great importance.

**Mr Speaker:** Order. I absolutely accept the importance of the matter, and it is for that reason that I am very happy to hear the hon. Lady’s point of order, but, with the very greatest of respect, I will be the judge of how long a point of order lasts. Everything said in this Chamber is important. It is not for her to presume that she has as long as she wants. There are a lot of other colleagues who wish to speak and a lot of other matters to be debated. I am extremely sympathetic to her, and I already have in mind a very sympathetic response, but please do not say to me, “It is important,” meaning that you can go on for as long as you like. The answer to that, I am afraid, is no.

**Patricia Gibson:** The point I wish to make, Mr Speaker, is that this story—if it can be called that—was printed in an atmosphere of febrile political tension, when MPs’ security is a matter of great concern. It has been reposted, and the comments online continue to sit. This is a matter of importance to us all, as an attack on one MP going about her duties—a false one at that—is an attack on us all. Whipping up hatred against any one of us plays into the narrative that we are not real people and can be attacked.

**Mr Speaker:** Order. I am sorry, but I must ask the hon. Lady upon what she is seeking an adjudication from the Chair. I cannot just have a speech on the subject. I will not have it. If she wants to ask me something in a sentence, I will respond, and if she wants an Adjournment debate on the subject, I can happily afford her that, but I am not having a speech now. It is not happening.

**Patricia Gibson:** Given that these posts continue, Mr Speaker, to be available on that publication’s social media platforms and continue to perpetrate that untruth and given that the evidence shows otherwise, what course of action do you suggest I take to seek an end to

this apparent campaign to perpetrate a dishonesty, and stop the tidal wave of abuse that has been unleashed, which is an attack on us all?

**Mr Speaker:** First, I thank the hon. Lady for raising the matter and giving me advance notice of her intention to do so. I underline and reinforce her concern. It is indeed an extremely serious matter—not just for her personally, but for all colleagues and, institutionally, for the House of Commons. False allegations against Members should not be allowed to gain traction. It affects us all and the reputation of the House if such allegations are not robustly refuted. To be fair, she has just robustly refuted the allegation. Her concern would be serious at any time, but it is a particular concern in what I think she described as the current febrile political atmosphere. She has put her view on the matter very clearly on the record. If she considers that the allegations made against her might conceivably constitute a contempt of the House, she should write to me setting out the facts, and I will adjudicate upon that. That is the first answer.

The second answer to the hon. Lady is that, if she wishes to stage an Adjournment debate on such abuse, of which this is an example, but there are many others, she might find that a friendly Chair will facilitate an Adjournment debate for her, possibly of up to an hour and a half, in which other colleagues could take part and in which she would have a full opportunity to make such speech as she judged necessary. Thirdly, my advice to the hon. Lady in the short term is that she should get her hands on a copy of the *Official Report* of today’s proceedings without delay—I am sure she will do so—and ensure that it is circulated to all the outlets responsible for propagating this slur upon her good name.

Fourthly, I say to the hon. Lady in terms that leave no scope for misunderstanding that I have a good vantage point in the Chair—I say that to all Members and those observing our proceedings—and I have never in my time in the Chair observing her seen her fall asleep.

She is a veritable parliamentary Zebedee—she is constantly jumping up and down—and that, as she knows, is a compliment, not an insult. She is one of the most alert Members of Parliament. She is one of the most assiduous Chamber attendees and participants. She is without blemish, in so far as her parliamentary commitment is concerned.

I will let her into a secret. I was once—not in this Chamber—watching a tennis match at Wimbledon. It was one of the most exciting matches that I have ever watched. Momentarily, I closed my eyes, not because I had fallen asleep or had drunk alcohol, because neither of those things was true—I had momentarily closed my eyes in sheer suspense. The camera caught me and the next day it was suggested in a newspaper that perhaps I had fallen asleep. As the hon. Lady knows, the notion that I would fall asleep watching a tennis match is just inherently absurd.

I do not treat this with levity. It is extremely serious, but as far as I am concerned, it is monstrous and ridiculous, and she should circulate the *Official Report*, which testifies to the Chair’s view of the matter. I have a better idea than those other commentators for the very simple reason that I observe Members every day from the Chair, and she would not fall asleep—amen, end of subject, period.



**Lloyd Russell-Moyle** (Brighton, Kemptown) (Lab/Co-op): On a point of order, Mr Speaker. Last week, the Minister for Asia and the Pacific said that he wanted to correct me with regard to my question, saying that the UK did not have RAF personnel in Saudi control centres. Last year, the MOD responded to other Members saying that it did and it responded to me saying that it had squadron leaders and lieutenants. It even listed the names of personnel. How do I get the Minister, who has not responded to my letter asking him to correct the record, to come here and correct the record, and state that we do have RAF personnel in Saudi control centres?

**Mr Speaker:** As to whether the Minister corrects the record, it is incumbent upon a Minister who thinks that he or she has erred to do so, but it is not incumbent upon me to act as arbiter of whether a correction is required. I am afraid that that must remain a matter for the Minister. Meanwhile, the hon. Gentleman, by the sedulous use of a bogus point of order, has taken the opportunity to put his own interpretation of matters clearly on the record. If I may say so, he looks mightily relieved to have done so.

**Susan Elan Jones** (Clwyd South) (Lab): On a point of order, Mr Speaker. At yesterday's hearing of the Welsh Affairs Committee, I asked the Secretary of State for Wales why he had voted differently to some of his Cabinet colleagues on the extension of article 50. He informed me at that hearing that he had abstained because he had been elsewhere and had not been around at the time of the votes. It subsequently transpires that the right hon. Gentleman cast his vote by voting in both Lobbies, thereby abstaining. I ask you, Mr Speaker, whether the Secretary of State has declared any intention to you that he will come to make a personal statement on this matter. If he has not done so, can you offer me any advice on how to proceed and deal with this rather unusual discrepancy?

**Mr Speaker:** I have not received any indication from the Secretary of State for Wales that he intends to come to the House to make a statement on that matter. I was not entirely clear whether the hon. Lady was suggesting that the explanation that she had had from the Minister was outside the Chamber or inside it.

**Susan Elan Jones:** In the Select Committee, Sir.

**Mr Speaker:** Oh, it was in the Select Committee. Well, it was in the course of a parliamentary proceeding. I suppose the Secretary of State may think he was elsewhere than being in one Division Lobby, because he was in two Division Lobbies.

**Susan Elan Jones:** He said he was outside the House.

**Mr Speaker:** Oh, very well. If the Minister feels a responsibility to correct the record, he will do so. If not, knowing the eager beaver that the hon. Lady is, I have a feeling that she will be penning a letter and ensuring that it wings its way to the Secretary of State before very long. Whether he will await that letter with enormous enthusiasm is open to doubt.

**Sir William Cash** (Stone) (Con): On a point of order, Mr Speaker. May I seek your guidance? The next business is the presentation of Bills, and it is to do with the

European Union (Withdrawal) (No. 5) Bill, which the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper) will be presenting. Would it be appropriate for me to raise a point of order on it now or after she has presented the Bill?

**Mr Speaker:** After. Thank you.

## BILL PRESENTED

EUROPEAN UNION (WITHDRAWAL) (No. 5) BILL  
*Presentation and First Reading (Standing Order No. 57)*

Yvette Cooper, supported by Sir Oliver Letwin, Hilary Benn, Dame Caroline Spelman, Jack Dromey, Alison McGovern, Mr Dominic Grieve, Clive Efford, Stephen Doughty, Norman Lamb, Ben Lake and Stewart Hosie, presented a Bill to make provision in connection with the period for negotiations for withdrawing from the European Union.

*Bill read the First time; to be read a Second time tomorrow; and to be printed (Bill 371).*

**Sir William Cash:** On a point of order, Mr Speaker. I seek your guidance on something that I raised yesterday in relation to the business motion and my very grave concern, I think shared by many people throughout the country—let alone in the House—about the idea of a Bill that is of such importance as this effectively being rammed through in one day. It is a Bill

“to make provision in connection with the period for negotiations for withdrawing from the European Union.”

In short, this is a reprehensible procedure in the context of the vitally important issue of our leaving the European Union. It is unconstitutional, and it is inconceivable that we should be presented with a Bill that could be rammed through in one day. In making this point of order, I want to ask you whether you have observations on the point that I just made.

**Mr Speaker:** My observation is threefold. First, that the hon. Gentleman is of this view was made very clear to me by his oration yesterday. Indeed, I say in no spirit of discourtesy to him that I rather imagine that anybody within a 50-mile radius of this place would be aware of his views on this important matter, given the force and frequency with which he has expressed them. Secondly, the House voted yesterday to give precedence tomorrow to a business of the House motion, which has not yet been tabled, so we await that. Thirdly, although this is of course an unusual state of affairs, it is not unknown for a Bill to be pushed through the House in one day. For a Bill brought forward by a Back-Bench Member, it is very unusual, but it is consequent upon a decision of the House. Bills being brought forward and taken through their various stages in one day in Government time are not particularly unusual at all. For example, Northern Ireland legislation has often been taken through the House on that basis. I know that the hon. Gentleman would not object to that in the way that he objects to this, but I do not think it is as unprecedented as he supposes. It is unusual and it is a bit different from those other examples, and it grates immensely with the hon. Gentleman, but that does not of itself render it disorderly. Upsetting the hon. Gentleman is displeasing but not disorderly. I think we will have to leave it there.



## Banknote Diversity

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

12.57 pm

**Mrs Helen Grant** (Maidstone and The Weald) (Con): I beg to move,

That leave be given to bring in a Bill to require the Bank of England to meet standards for the representation of ethnic minority persons on banknotes; and for connected purposes.

I present this Bill because I believe that the Governor of the Bank of England now has a unique opportunity to address an archaic stereotype—one that completely undermines the credible efforts towards diversity and inclusion that are indeed taking place the Old Lady of Threadneedle Street.

I must first pay tribute to the inspirational Zehra Zaidi and Dr Patrick Vernon OBE for their excellent “Banknotes of Colour” campaign, and I am glad to say that they are sitting in the Gallery today. Their campaign aims to secure the first ever ethnic minority person on a British banknote, and their efforts have already won very broad support both inside and outside the House. The Bill seeks to persuade the Governor of the Bank of England to designate a black, Asian or minority ethnic person to feature on the new £50 note, a decision that he is due to announce this summer. There have been 24 banknotes featuring a notable person on the reverse since the first was issued in July 1970. Of these, all but three have been historic white men, the notable exceptions being three women: Florence Nightingale, Elizabeth Fry and Jane Austen.

As you will know, Mr Speaker, the 2011 UK census showed that 14% of the UK population were from black, Asian or minority ethnic backgrounds. Like everywhere else around the globe, the UK population will become ever more diverse in the coming decades. We talk so much of cohesion and integration and of active, engaged citizens, but for this to be achieved people and communities need to see that their stake in Britain—in its past, present and future—is universally recognised. To include a person of diversity on our banknotes would show a fundamental shift from a national stereotype to a modern, socially inclusive attitude in one of our oldest and most traditional institutions.

Such positive action would underline the pride we have in this country’s great multi-culture and help to defeat the despicable influence of the hatred and division that seeks to destroy our libertarian way of life. The Bank of England has a duty to support and promote integration and diversity. Indeed, its own guidance states that its banknote characters should reflect the diversity of UK society. It is therefore surprising and disappointing that the Bank has so far failed to recognise the ethnic diversity of our population on our national currency. The Bill would change that.

Over the last century, our diverse communities in the UK have undoubtedly made a seismic contribution to the making of modern Britain—in business, in public services, in the NHS and even in politics. There are so many examples: Mary Seacole, the Jamaican-British nurse who supported British troops during the Crimean war and whose contribution has been recognised as equal to that of Florence Nightingale; Noor Inayat Khan, a Muslim of Indian origin, who was the first female radio operator to infiltrate enemy occupied France in world war two; Sophia Duleep Singh, the prominent Indian suffragette and member of the Women’s Social and Political Union; and not forgetting Sir Charles Kao, the British-Chinese scientist who won the Nobel prize for physics and pioneered the use of fibre optics in telecommunications. There are, of course, many other examples, but all these individuals represent the very best of Britain.

The choice of the face of the new £50 note is a wonderful opportunity for the Bank of England. It would send a message from one of the greatest institutions in the land that the contribution of diverse communities to the building of Britain really does matter and is truly valued. In doing so, it would also ensure that the UK’s currency is reflective of the diverse, inclusive and tolerant modern Britain that I know and love.

*Question put and agreed to.*

*Ordered,*

That Mrs Helen Grant, Mrs Maria Miller, Janet Daby, Dame Caroline Spelman, Caroline Lucas, Eddie Hughes, Kate Green, Clive Lewis, Jeremy Lefroy, Preet Kaur Gill, Helen Whately and Rachel Maclean present the Bill.

Mrs Helen Grant accordingly presented the Bill.

*Bill read the First time; to be read a Second time on Friday 5 April, and to be printed (Bill 372).*

## Privileges

[*Relevant Document: Third Special Report of the Digital, Culture, Media and Sport Committee, Failure of a witness to answer an Order of the Committee: conduct of Mr Dominic Cummings, HC 115.*]

**Mr Speaker:** The Leader of the House has tabled a motion on a matter of privilege that I have agreed should take precedence today. To move the motion, I call Mr Paul Maynard.

1.5 pm

**The Lord Commissioner of Her Majesty's Treasury (Paul Maynard):** I beg to move,

That this House—

(i) approves the First Report from the Committee of Privileges (HC 1490); and

(ii) endorses the conclusions of the Committee in respect of the conduct of Mr Dominic Cummings that the evidence sought by the Digital, Culture, Media and Sport Committee from Mr Cummings was relevant to its inquiry and that his refusal to attend constituted a significant interference with the work of that Committee; concludes that Mr Cummings committed a contempt both by his refusal to obey the Committee's order to attend it and by his subsequent refusal to obey the House's Order of 7 June 2018; and therefore formally admonishes him for his conduct.

In a week of constitutional innovation, we have one more, whereby I am standing in for the Leader of the House, who sends her apologies. I understand that she has been in touch with the Chairs of the Committee of Privileges and the Digital, Culture, Media and Sport Select Committee to explain the reason for her absence.

The House deeply respects the work of Select Committees across the House. They do incredibly important work on behalf of all the peoples of the United Kingdom, and the Government remains a strong supporter of the Select Committee system. In accordance with traditional practice, the Leader of the House brought forward motions on Thursday 7 June and Thursday 28 June 2018 to raise the activities of Dominic Cummings as a matter of privilege following his refusal to obey the DCMS Committee's order to attend and his subsequent refusal to obey the House's order of 7 June 2018.

It is vital to the work of Select Committees that they can obtain full and accurate evidence from witnesses as part of their inquiries. I thank the members of the Committee of Privileges for undertaking the report and the members of the DCMS Committee for their work on behalf of Parliament. The report from the Privileges Committee concluded that it accepted the DCMS Committee's view that the evidence it sought from Mr Cummings was relevant to its inquiry and that his refusal to appear constituted a significant interference with its work. The report states that Mr Cummings committed a contempt both by his initial refusal to obey the DCMS Committee's order to attend and by his subsequent refusal to obey the House's order. The Committee recommended that the House admonish Mr Cummings for his contempt, and it is for the House to determine whether to endorse these conclusions.

Mr Cummings has raised questions about the enforceability of the House's powers and those of its Committee's to secure evidence. I know that the Committee of Privileges intends to consider this matter further, and we await its conclusions, but today's debate underlines the right of Select Committees to undertake their duties

as assigned to them by the House. The Government have full respect for the privileges of the House of Commons and will continue to uphold them. They are crucial to the independence of Parliament and the strength of our democracy. I therefore commend the motion to the House.

**Mr Speaker:** Before the debate gets under way, I want to say one thing. From experience, I am clear in my own mind—and I am reinforced in my view by the specialist advice of the Clerks—that the focus of this motion is narrow. The Minister rightly stuck to its proper focus. This is not an occasion—I repeat not an occasion—for airing all the arguments about the conduct of the referendum campaign, Vote Leave, tactics used, fake news, and so on. That is not for today—I repeat not for today. This is about the rights of this House and the appearance and non-appearance of witnesses, the issue of compliance with the express wishes of the House and the issue of consequences for violation of our rights. If people have got speeches prepared in which they want to rehearse again all the arguments about the referendum campaign, I suggest the speedy and liberal application of the blue pencil. It is not required; indeed, it is required not to happen. We must not play games with the House's procedures. I am extremely grateful to the Minister who moved the motion.

1.9 pm

**Valerie Vaz (Walsall South) (Lab):** I thank the Deputy Leader of the House for presenting the motion, and note that the Leader of the House is occupied with important matters elsewhere. I also thank the Committee of Privileges, chaired by my hon. Friend the Member for Stretford and Urmston (Kate Green), for all its work in producing the report.

This is not the first Committee report on the conduct of Mr Dominic Cummings. On 5 June 2018, the Digital, Culture, Media and Sport Committee published a special report stating that it had first invited, then ordered Mr Cummings to give oral evidence as part of its inquiry into fake news, and that he had failed to comply with that order. On 7 June 2018, the House resolved that Mr Cummings should

“give an undertaking to the Committee, no later than 6pm on 11 June 2018, to appear before that Committee at a time on or before 20 June 2018.”—[*Official Report*, 7 June 2018; Vol. 642, c. 492.]

However, on 20 June 2018 the Chair of the DCMS Committee, the hon. Member for Folkestone and Hythe (Damian Collins), reported to the House that Mr Cummings had failed to comply with the order of 7 June. The Leader of the House tabled a motion on 28 June that the matter be referred to the Committee of Privileges, and the House supported it.

In the annex to the report, on page 11, the Committee of Privileges helpfully set out the procedure that it would follow in inviting Mr Cummings to provide the DCMS Committee with oral and written evidence, so he has benefited from due process. It made a number of recommendations, and accepted the view of the DCMS Committee that the evidence that it sought from Mr Cummings was relevant to its inquiry and that his refusal to attend constituted a significant interference with its work. The Committee of Privileges

rejected Mr Cummings's argument as to why he did not appear before the DCMS Committee. He had been offered a series of dates for a hearing, and had not supplied any evidence that suggested he was at significant risk of prosecution. The report states :

"The fact that a prospective witness takes a different view on policy or political issues from a select committee...does not constitute grounds to refuse to appear before that committee."

Many of us who are members of Select Committees often hear evidence from all sides. It is the right of a Select Committee to do that, and to form a view based on the evidence.

The Committee of Privileges accepted the DCMS Committee's view that in not giving it the evidence that it sought, Mr Cummings had committed a contempt both by his refusal to obey its order to attend and by his subsequent refusal to obey the House's order of 7 June 2018. The report states:

"Attending the hearing and defending his position when called upon to do so would have been the right thing to do."

The Committee recommends that the House should admonish Mr Cummings for his contempt, and that the admonishment should take the form of a resolution of the House. The resolution, if agreed to, should be communicated to Mr Cummings by the Clerk of the House.

I thank the Committee again for its work, and I support the motion.

1.13 pm

**Damian Collins** (Folkestone and Hythe) (Con): I thank the Deputy Leader of the House for his statement. I also thank the Leader of the House for giving me notice that she would be unable to attend the Chamber today, and for the words that the Deputy Leader of the House read out on behalf of the Government. I thank my fellow members of the DCMS Committee, and I thank the Chair of the Privileges Committee and her colleagues for their investigation.

We are not here today as a consequence of a rush of blood to the head and the "at whim" decision of a parliamentary Committee to order a private citizen to give evidence in front of us. Today we are at the end of a process that has run for the best part of 10 months, from the Committee's first attempts to invite a witness to attend to the process of its ordering that witness to attend, to that being reported to the House and the House also ordering him to attend, and then to the matter being referred to the Committee of Privileges for it to investigate.

I am pleased that that Committee has agreed with the statement in our report that we were within our rights to call the witness, and that the witness should have attended. The witness himself, Mr Cummings, was critical of our Committee's inquiry, of other witnesses who had attended, and of the evidence that they had given. Our main reason for wishing him to attend was so that he could respond to the allegations made by other witnesses. That is an important part of the inquiry, and also demonstrates the Committee's desire to hear all sides of the story. We are frustrated in that process when witnesses refuse to confirm dates, put up spurious reasons why they cannot attend, and then, in correspondence with

the Committee, seek to behave in a way that is contemptuous of its work and, therefore, of the work of the House.

**Julian Knight** (Solihull) (Con): This is the heart of the matter. The report states that many of Mr Cummings's communications were highly inappropriate, including some outside the House. He did not do himself any favours in that respect. I personally wanted to hear what he had to say, and I honestly believe that many members of the Committee had open minds and wanted their questions to be answered. Is it not also true that we asked very probing questions when it came to the other side of the debate? We questioned Christopher Wylie very closely about his desire to hawk information to Vote Leave.

**Damian Collins**: Indeed. The questions that we wished to put to Mr Cummings were highly relevant to our inquiry. They were also highly relevant to evidence presented by other people, including representatives of organisations that had worked with him in his capacity as director of Vote Leave. I think that we should have had an opportunity to put those questions, as a relevant part of our inquiry and the work of the Committee. As the Committee of Privileges says in its report, it cannot be for individuals to seek to interfere with the work of a parliamentary Committee. We should regard that as a very serious matter.

**George Eustice** (Camborne and Redruth) (Con): I understand the point that my hon. Friend is making, but is there not also an issue of consistency? I am told that Mark Zuckerberg also declined to give evidence to the Committee during the same inquiry. Moreover, it is quite common for Ministers to decline to give evidence to inquiries, including Ministers in some of the devolved Administrations and Assemblies. I think that the point my hon. Friend is making should be applied consistently and across the board to all potential witnesses, and that we should not fall into the trap of singling out one individual.

**Damian Collins**: I do not believe that we are singling out one individual in this case. It is highly unusual for anyone to behave in the way in which Dominic Cummings behaved towards the Committee. My right hon. Friend is right in saying that we issued an invitation to Mark Zuckerberg, but that is all that we could do. We did not issue a summons or an order for him to appear, because we do not have the jurisdictional powers to do so. He is not a UK national, and is not resident in the UK. We can only issue summonses of that sort to foreign nationals if they happen to be in this country. We said that we would do that, but obviously we do not have an opportunity to do it. So the circumstances in that case are very different.

On the day that we issued the order for Dominic Cummings to appear before the Committee, we also issued an order to Alexander Nix, the chief executive of Cambridge Analytica, and he chose to accept. The personal circumstances of Mr Nix at the time, in terms of the investigations of him and his former company, gave far greater reason for him not to attend than Dominic Cummings, who was not under personal investigation at all at that stage. There were no reasons in law why he should not appear. The normal sub judice



[*Damian Collins*]

rules that protect witnesses from incriminating themselves did not apply in his case. The Committee sought legal advice in that regard. I think that, when we have gone through a thorough process and there are no particular grounds for a witness not to appear, if the Committee and the House believe that it is important for that witness to appear, he should do so.

I agree with what my hon. Friend said about the privileges of Ministers, but the rules of the House in that regard are very different from those applying to private citizens.

**George Eustice:** Will my hon. Friend confirm, then, that it is his view that it is illegitimate for Ministers ever to claim that they cannot give evidence to a Committee because legal proceedings on a particular issue are under way?

**Damian Collins:** The House does have rules relating to matters that are before UK courts and may prevent witnesses from giving evidence, but I agree with the principle that my hon. Friend has cited. I do not believe that Ministers should claim special privileges in order not to give evidence to a Committee, but they do have a different status. I do not think that that different status should give any individual in the country an opportunity to ignore an order from a Committee or a summons to appear before Parliament simply because they happen to take exception to the idea that Ministers have special privileges that they do not have—as, indeed, do Members of the House of Lords.

**Mrs Maria Miller** (Basingstoke) (Con): I want to pick up the point about consistency. It is not just my hon. Friend's Select Committee that may have problems with calling witnesses—important witnesses—to take part in inquiries. The Women and Equalities Committee is currently going through a similar process, but we are only one month into requesting an individual to appear before us. Does my hon. Friend agree that it might be helpful if there were more explicit guidelines on the process to be followed, so that it could take place more speedily? I certainly would not want my inquiry on non-disclosure agreements to drag on for a further 10 months.

**Damian Collins:** My right hon. Friend is absolutely right. There needs to be more clarity about the process—clarity within the rules as they stand, and more clarity on what the powers of the House are. We have ancient powers, which in modern law cannot be enforced, and they have not been replaced with anything more suitable.

**Dr Andrew Murrison** (South West Wiltshire) (Con): As Chair of a Select Committee, I am sure that my hon. Friend will have shared my experience that the difficulty in getting witnesses to appear is not necessarily around private citizens, who are usually very willing to appear before a Select Committee; it is around encouraging ministerial colleagues, on occasion, and public officials to come before Select Committees. That is where the resistance is. Does my hon. Friend agree that there should be at least an equivalence of rules regarding the appearance of private citizens and elected individuals and publicly accountable individuals before Select Committees? We have not got that balance right yet.

**Damian Collins:** As I said to other hon. Members, I am sympathetic to any Select Committee that seeks to interview a public official or Minister as part of their inquiry. In my three years' experience as Chair of a Select Committee I have never had that problem, but others have. There is a big difference between a Minister of the Crown and a private citizen, in that a Minister is a Member of Parliament and can be questioned, in this House or in the House of Lords, as part of their ministerial duties. The only opportunity we have to question people outside Parliament, as part of an inquiry, is to invite them to appear before the Committee. There is no other avenue, be it a ministerial question time or debate, where we can pursue that person. That is why the rules concerning private citizens are particularly important. I would be very sympathetic to the idea of looking at the rules for Ministers, but at least other avenues are open for challenging a Minister as part of parliamentary process.

**George Eustice:** I recall, as a Minister, having agreed to give evidence to a Committee of the Welsh Assembly and being told that it was not Government policy for Ministers in Westminster to attend such Committees, since they had no rights to hold us to account. Does my hon. Friend think that, bearing in mind what he has just said, perhaps a different set of rules should apply to the devolved Administrations, and that Westminster Ministers should be required to attend such hearings in devolved assemblies?

**Damian Collins:** As I said to my hon. Friend earlier, I think there is a basic principle and a presumption that witnesses, be they a Minister or not, should attend Committees conducting inquiries. Select Committees conduct such inquiries on behalf of the House, with powers delegated to them by the House. I also believe that if a Member of the House of Lords chose to use their special privileges as a parliamentarian not to be summoned in front of a Committee, that would not be appropriate if that Member of the House of Lords held an important public position, as many Members of the House of Lords do.

Other options are available to question Members of Parliament and Ministers that are not available to question a private citizen. The only forum we have to question a private citizen as part of a parliamentary inquiry is to invite them to appear before a Select Committee. That power is incredibly important, because the role of a Select Committee is not just to scrutinise the work of a Government Department or a public body, but to scrutinise other matters of public interest, where a Committee believes there is a case for Government intervention, new rules or new laws on something important. It is for the Committees to determine the scope of their inquiries, and witnesses should attend when required. It is very rare that witnesses choose not to attend.

**John Redwood** (Wokingham) (Con): Of course, Mr Cummings cannot be with us today—and did not want to be with us on another occasion. Did he give any indication that he thought there was some legal reason why it would be better if he did not attend?

**Damian Collins:** The correspondence between me as Chair of the Committee and Mr Cummings is published in full in the Committee's report, so any Member can read that and make their own judgment as to the case



that Mr Cummings made. Obviously, the matter was also reviewed by the Privileges Committee, which also invited Mr Cummings to speak to it as part of its inquiry, which he declined. Mr Cummings stated that other cases were involved, and that he had been guided by the people he had spoken to not to appear, but there was no reason in law for that. He was not under personal investigation; he was not likely to be charged with an offence. He may have all sorts of private grounds for not wanting to do it, but unless there is a particular legal reason why witnesses should not appear, I do not believe it is good enough for them to create reasons why they would rather not give evidence; that would undermine the whole process. If a witness declines to give evidence simply because it is unsatisfactory to him to do so, I do not think we should accept it.

**George Eustice:** Does my hon. Friend not have at least some sympathy for the argument that Vote Leave was under investigation by the Electoral Commission—a full-scale legal investigation? Given that that was an ongoing investigation, a request to give evidence after that had concluded was not at all unreasonable.

**Damian Collins:** We had a similar issue with other witnesses during the inquiry. When Arron Banks gave evidence to the Committee, some aspects of Leave.EU's work that were relevant to the Committee investigation were under investigation by the Electoral Commission at that time. My hon. Friend may check the official record of the evidence session. We told Mr Banks at that session that we would not question him about matters that were under investigation by the Electoral Commission, as it would not be proper to do so, but there were a large number of other topics on which we wanted to pursue relevant lines of inquiry.

It was exactly the same with Dominic Cummings. We could have reached an accommodation, but he was not prepared, in principle, to attend. During the course of our correspondence we set out why we thought he should attend, and it became quite clear that once he was aware that we were determined to issue an order requesting that he appear on a certain day, he would refuse point-blank to appear at all. He then requested all sorts of other conditions—that he would not appear before the DCMS Committee but he might appear before a specially constructed ad hoc Committee of the House, and that members of the Committee should swear an oath before questioning him, in addition to his swearing an oath. This is nonsense. We either respect our rules and the powers that we have, or we do not.

Not just my Committee found this. I am sure that the Chair of the Privileges Committee will speak for herself about her inquiry. During the Treasury Committee's inquiry before the referendum, different parties were invited to give evidence, and it too is scathing about the experience of dealing with Mr Cummings and the general contempt that he showed. We have to accept that if we do not really take our own powers seriously, other people will behave in a similar way. Other people will look at this case and say, "Actually, you can just ignore the Committees' requests. There is nothing they can do."

There are often important reasons why Committees wish to call in private citizens to account for their work. Mr Cummings is not just a private citizen going about

his business in a quiet part of the country. He has held a series of important offices, he is a former Government special adviser and he was director of an incredibly important national political campaign. The work of that campaign had been referenced already in a parliamentary inquiry, and we wished to ask him about the evidence that had been given, of which he himself was critical and to which he felt there should have been some right to reply.

**Sir Hugo Swire (East Devon) (Con):** Over the past few years, the likes of Rupert Murdoch have appeared before Committees, and we have seen Sir Philip Green appearing—not wholly successfully—before Committees. Surely, if people of that stature are prepared to face a Committee, others of lesser stature should do so too.

**Damian Collins:** That is absolutely right. I was a member of the Committee when Rupert Murdoch came to give evidence, in response to a summons of the House. That was right in the middle of the phone-hacking scandal, with legal cases left, right and centre—massive challenges for that business—and yet he considered that it was his responsibility and the proper thing to respond, give evidence in person and answer all the Committee's questions. If it is good enough for someone of the stature of Rupert Murdoch, surely Dominic Cummings could find time in his busy schedule as well. There was no reason why he should not have done so.

There have been other times when my Committee has struggled to get witnesses to attend and they have attended at the last minute. We are going through that process now with some companies. We may wish to call other organisations as well. We saw during our inquiry that other political campaigns, such as the shadowy Mainstream Network, which was advertising last year on Facebook, were seeking to get members of the public to lobby their MP on what they should or should not do on the Brexit withdrawal agreement. Other organisations, such as We are the 52% and Britain's Future, are doing that right now. We might want to call in such organisations in future as part of investigations, but they could look at the behaviour of Dominic Cummings and say, "We are disinclined to come, and there is not much you can do about it."

People often cite the ancient powers of the House to lock people up in a prison under Big Ben or in the House, and those powers technically still exist, but they would rightly be considered to be unenforceable. The House must therefore debate and decide what we want to do when witnesses decline to attend. There should be a proper process; it should not just be down to the arbitrary summons of 11 Members of Parliament. There should be a proper process to check—as the Privileges Committee has done—that the Committee was following due process, that it had good grounds, and that there was a public interest in the witness attending. Then, when they fail to attend, there should be some clear sanction. In other Parliaments in the world, there are rules in such cases—a referral to court or some other body that makes the final decision and imposes a sanction. I believe we now need clearly codified rules, on both summoning witnesses and ordering papers.

**John Redwood:** I am interested in this point. What kind of sanction does my hon. Friend think would be appropriate and might make a difference?

**Damian Collins:** That is ultimately a matter for the House to determine. Let us look at other jurisdictions. I believe that the United States Congress, for example, can impose a fine or a custodial sentence of up to three months, and I believe that the Scottish Parliament has something similar, but Members will correct me if that is not the case. Other legislatures have processes that include clear sanctions in law that can be applied if a reasonable request for a witness to appear or for documents to be served has not been met. I do not believe that politicians should sit in judgment over private citizens and start ordering those penalties, however. It is probably right that some independent outside body should do that, as happens in other areas of public life. We should determine what our role should be, and if we believe that a reasonable request has been made for a witness to appear or for papers to be issued to a Committee, that should be done. It is reasonable to expect someone who has been asked to give evidence to a Committee to do so honestly and truthfully. If it is proved that they are lying to or misleading the Committee, there should be some sanction for that as well. There is then a separate debate about who should enforce that sanction and what the penalty should be, but if we use these powers responsibly and we expect people to comply with them, there has to be some sanction if they do not do so, as in the case of Mr Cummings.

**Michael Fabricant (Lichfield) (Con):** I am following this argument with great interest. Given the nature of Dominic Cummings—incidentally, I do not think the way he has behaved towards the Select Committee is any different from the way he behaves generally—does my hon. Friend agree that there is a real danger that he would regard an admonishment from the House of Commons as a badge of honour? Does he also agree that we need some form of alternative measure so that future witnesses will not think that an admonishment is the only thing they might have to face?

**Damian Collins:** My hon. Friend is right; that is an important point. There has to be some penalty. For some people, that would involve damage to their reputation. Someone who is running a public body or a regulated industry, for example, might find that their reputation was damaged because they had behaved in a way that was inconsistent with upholding the high standards of their office. Clearly, Dominic Cummings does not seem to care about those things. We need to ask whether someone who has been found in contempt of Parliament and admonished by Parliament would be an appropriate candidate to hold a public position such as a Government adviser or a member of a public body in the future. Should there be a bar on that?

**Julian Knight:** Does my hon. Friend envisage a similar bar on someone for being a bankrupt, for example?

**Damian Collins:** Absolutely; my hon. Friend and fellow member of the Committee makes an excellent point. That is a good example of people finding themselves in a situation of which they are the cause, and of clear penalties being in place that can restrict their future actions and activities, although not necessarily their liberty. Someone who has been found in contempt of the House should face some sort of real-world sanction that takes into account their appropriateness to be a fit

and proper person to hold certain positions and roles, and certainly to be appointed to public office. For example, if Mr Cummings were ever again asked to be a Government adviser or special adviser, these sorts of things should be taken into account, and I am sure that they would be.

There needs to be a further sanction in law as well, including a range of penalties depending on the severity of the offence, with someone in authority to adjudicate and enforce those sanctions. As the Chair of the Women and Equalities Committee, my right hon. Friend the Member for Basingstoke (Mrs Miller) has said, there should be a clear process so that we can understand how long it should take and, ideally, a witness could be compelled to come within the scope of an inquiry, rather than doing as I believe Dominic Cummings intended to do, which was to offer to come here at some point in the future, knowing full well that that could be one or two years later. Indeed, I do not believe that the conditions he set out in his initial email have yet been met, so he probably still would not come before the Committee, more than a year later. We have to consider whether that is in any way acceptable, because it massively impedes the work of parliamentary Committees if they cannot summon witnesses who are relevant to their inquiries. In his case, we were asking him to come here in direct response to evidence that the Committee had received that was relevant to him and to our inquiry. We had very strong grounds for asking him to come.

**Michael Fabricant:** I am slightly concerned about one more thing, which was touched on earlier when my right hon. Friend the Member for East Devon (Sir Hugo Swire) mentioned Rupert Murdoch. There was a serious criminal inquiry into Vote Leave going on at the time that my hon. Friend is talking about. Surely he would have some sympathy if there was a danger that someone appearing before the Committee might prejudice their own defence, should a criminal investigation then occur.

**Damian Collins:** Those conditions certainly applied in the case of Rupert Murdoch, because he was asked expressly what he knew about the practice of phone hacking at his newspapers, as was Rebekah Brooks, who gave evidence on the same day. That was a major part of the hearing. Those people could have used that excuse. There are different questions involved here. The right to non-incrimination for someone who is likely to face court proceedings and be charged with a particular offence, or who has already been charged, is already covered by the House's sub judice rules. There are already clear rules in place for that. In this case, however, Mr Cummings had not been directly charged with an offence, although there were other ongoing investigations. As I have said, we agreed with other witnesses that there were certain things that we would not discuss as being on topic, so as not to interfere with other ongoing inquiries. Nevertheless, we managed to conduct a proper hearing with those witnesses and gain valuable evidence from them. There is no reason why that could not have been done in Mr Cummings's case.

**George Eustice:** The argument that my hon. Friend is making is a curious one, because Dominic Cummings was the director of Vote Leave, and the investigation into Vote Leave was ongoing. As the former director of

that organisation, it was obviously legitimate for him to be concerned that the investigation might be prejudiced, in much the same way as a Minister, while not being directly charged with anything, might nevertheless have concern for proceedings being made against the Government.

**Damian Collins:** Well, it sort of depends on what Mr Cummings thought he was going to say and whether he thought he was likely to be in that position. As I have said, the Committee wished to discuss a range of issues and topics with him that were not at the time being expressly investigated by the Electoral Commission. Its investigation was largely to do with funding issues and the co-ordination between Vote Leave and other campaigns involved in the referendum. We had lots of questions about Vote Leave's work with AggregateIQ and about its involvement in data analytics and the way data was being gathered, stored and used during the campaign that were highly relevant to our inquiry. He could have come in to discuss those issues. If there were no grounds for him not to appear, and he just did not want to appear, I do not believe that the House should accept that as an excuse.

**Sir Hugo Swire:** Does my hon. Friend concede that there would be a difference if the gentleman in question had not wished to appear on account of prejudicing an ongoing inquiry with which he was associated, as against his not recognising the legitimacy of Parliament to summon him to appear? I suspect that in this case the latter applied, not the former, and that there might be a difference.

**Damian Collins:** There is a difference. I do not believe that Mr Cummings ever accepted the legitimacy of Parliament to ask him to appear, which is a matter that we should take seriously in its own right. From the very start, it seemed clear that he thought he should give evidence on his own terms, in his own way, on his own dates—

**Sir Hugo Swire:** And to his own Committee.

**Damian Collins:** And even to his own Committee, yes. He thought it was no business of ours to set parameters for the special ad hoc Committee of the House that should be assembled just to question Dominic Cummings. That is a ridiculous way for someone to behave when they have been asked to give evidence. If he had said at the beginning that he was willing to give evidence even though he did not want to discuss certain topics because of other investigations he was associated with, and that he would discuss other things, that would have been a very different matter. The Committee of Privileges might have taken a different view if that had been the case. It is interesting that he declined to give evidence to that investigation as well, even though it took place sometime after the event. This just shows his general contempt for the House and its practices. He feels that we have no business asking difficult questions or prying into his affairs, but I believe that that is our business and that we have a right to do that.

It is rare for the House to issue a summons—most witnesses come willingly—but when we legitimately seek to summon witnesses to give evidence to our inquiries, we should have that power, and when someone refuses and shows contempt for us, there should be a sanction

and we should have a power to act further. Today's debate is not the end of the discussion on whether Dominic Cummings should have appeared before the DCMS Committee; it is about how we can take this forward and formalise the powers of the House to ensure that we do not find ourselves in this position again.

1.38 pm

**Tommy Sheppard** (Edinburgh East) (SNP): I rise on behalf of the Scottish National party to support the resolution and to urge the House to vote for it, although sadly without any great hope or expectation that doing so will have a great deal of effect. Mr Speaker cautioned us at the beginning of this discussion to try to restrict our comments to the narrow business under consideration. I had wanted to put this question into the wider context of the debate on Brexit, and to consider the wider political questions, but I will not do that. I have taken Mr Speaker's advice and, in my imagination, I have applied a blue pen to much of what I was going to say.

It is appropriate for us to note why the Digital, Culture, Media and Sport Committee wanted to hear from Mr Cummings in the first place. It was because many of the concerns expressed about the Vote Leave campaign exemplified the concerns about fake news that it was holding an inquiry into. As I said, I shall not go into great detail about this, but we have to say as a matter of record that the Vote Leave campaign stands accused of engaging in lies, propaganda and wilful distortion of the facts. It is a fact that it has been found guilty by the Information Commissioner of breaking the regulations on the gathering of personal data. It is a fact that it broke the law and has been fined by the Electoral Commission on expenses. It would be legitimate for Mr Cummings to engage with the Committee to discuss those things, and his refusal to do so or to appear before the Committee—that is the reason why the motion has been tabled—suggests that he has something to hide or that he cannot mount a defence against the accusations that have been made, which should concern the House.

Hon. Members have said, and I think it is true, that we should be concerned about what admonishment actually means. What sort of sanction or leverage is it at the end of the day? I fear that it is not a very great one, and this instance and others should lead us to reflect on whether our procedures are adequate for House of Commons inquiries into matters of public concern, and whether we need additional powers, as many other countries have, to compel people to give evidence when that is in the public interest. I make no suggestion about how that might happen, but I want to put on the table a recommendation that it should happen.

Finally, we are entitled, without going into detailed political debate, to form opinions and draw conclusions about the intentions and attitude of Mr Cummings as described in the motion. Many colleagues and I watched the recent TV drama "Brexit: The Uncivil War" which, to my mind, offered a generous and sympathetic portrayal of Dominic Cummings, suggesting that he was some sort of tortured genius—a radical, a free thinker and iconoclast; someone who wanted to engage in the noblest notions of sovereignty and democracy, and who would not debase himself for a moment in gutter politics. I am not sure that that is entirely the case.



**George Eustice:** Does the hon. Gentleman not accept that the direction that Mr Speaker gave at the beginning of the debate was for an important reason? This is a serious discussion of an admonishment for someone's failure to appear before a Committee. It should be about the facts of that decision not to appear or otherwise—

**Mr Deputy Speaker (Sir Lindsay Hoyle):** Order. I, too, know what was said, and I will be the judge of whether something stretches beyond or remains within the advice that Mr Speaker gave. I can assure the hon. Gentleman that I am listening carefully. At the moment, we have not stepped outside the limits, and the hon. Member for Edinburgh East (Tommy Sheppard) is coming towards the end of his speech. We all know that there are limits that we should not go beyond. To mention someone in passing is one thing, but I do not want to get into an argument about the weakness of examples. It is purely about privilege, and we certainly have not stepped outside those limits.

**Tommy Sheppard:** Thank you, Mr Deputy Speaker. I have been keeping an eye on you carefully to make sure that I do not stray beyond the bounds or limitations that were set. I shall conclude simply by saying that I have drawn my own opinions from what has happened in this case as to the character of Mr Cummings.

Perhaps the truth is rather more mundane. Perhaps he is, after all, just a posh boy from a privileged background who has a sense of entitlement that means he does not think he has to account to his peers for his actions. I fear that the hon. Member for Lichfield (Michael Fabricant) is correct. If we agree the motion, as we should, at Mr Cummings's next dinner party it will be worn as a badge of honour, and he will continue in contempt of the House, because there are people of his class who regard democratic institutions such as this in precisely that way.

1.44 pm

**John Redwood (Wokingham) (Con):** Along with many colleagues, I think that the Select Committee system is a good one, and it can only operate if we invite witnesses to give evidence. If they do not want to appear, we can summon them, so I think the debate is timely. It should not just be about one particular case or person but encompass the important issues alluded to by some of the previous speakers that revolve around the question of what is a compelling invitation and what is a sanction for those who refuse the invitation or the requirement that they should attend and answer questions.

**Michael Fabricant:** I am sorry to interrupt my right hon. Friend so early in his speech, but I want to probe him on this. Earlier in the debate, Members discussed what happened in other countries—for example, the United States, where there are sanctions if someone does not appear before a House Committee. Then we get into a position whereby witnesses say to the Committee, "I am sorry, I won't answer that because it might incriminate me." Does my right hon. Friend think that we have to be careful lest we end up with that situation? It is about getting the balance right.

**John Redwood:** I agree that it is about balance. My hon. Friend has invited me to reach my conclusion before I have made my argument. However, cutting to part of the conclusion, yes, we do need to look at

sanctions, and it would be good if as a result of this debate the relevant Committee considered practice in other good, democratic institutions around the world and looked at which were most effective. We need to be seen, as we are, as a serious body with every right to require any UK citizen to come here and explain themselves, and we need to be able to enforce that in a sensible and proportionate way. I do not think that our current enforcement is proportionate if someone has no good reason to refuse or deny.

I want to develop one or two exceptions to that rule. At the heart of this particular case is the issue of whether or not legal proceedings are under way that could in some way be prejudiced if the witness came here and spoke too widely about the things that the authorities were investigating. There is a sub judice rule. It is always a matter of judgment for any individual who faces that kind of proceeding, and it is also a matter of judgment for lawyers involved in prospective cases. I do not think that we should ignore that, as it could be an important part of this particular case, and can certainly be a crucial part of any future case. If someone has to answer because there is a general worry about their past conduct—I am not talking about Mr Cummings; I am talking about a future case—it is quite likely that there could be a legal inquiry, as well as the wish to have a parliamentary inquiry.

If we are going to have higher sanctions, as I suspect we should, we need to be even clearer about what are the legitimate legal grounds. That brings me to my next point. When people do something that is contentious for the wider public and for Members of Parliament, and which splits opinion in the country, there is a danger of too many inquiries. Suddenly, they are all across the media, and are on the front pages of the newspapers. Everyone is talking about them, and people chase the ambulance—they want to chase the excitement. There is a danger that there will be several Committees in this House wanting to conduct an inquiry into largely the same thing from different departmental perspectives. They may want to home in on the same key witnesses, because they are so newsworthy at the moment. We may then be in a position where we overload potential witnesses, and get in the way of conducting a fair inquiry that can add to our understanding, rather than just adding to glamorous media reports of our involvement.

**Damian Collins:** I know that my right hon. Friend is talking in general terms about a future case, but for the record, in this particular case involving Mr Cummings, Select Committees were not competing to ask him to come and give evidence. We were the only Committee that sought to invite him to appear, and we took advice from the House authorities on whether or not the concerns raised about other cases were relevant to our request.

**John Redwood:** I understand that, and I explicitly said that I was not talking about Mr Cummings in that part of my speech. This is about how we enforce in general, as well as being about the sanction that the House wishes to confirm in the motion against a particular individual. Certainly, Mr Cummings, Vote Leave and all the rest of it might have been subject to other inquiries, because there has been huge political interest in that both outside and inside the House, and it is a

contentious matter. It is the kind of thing where there could be inquiry overload, with more heat but not a lot of light. We need a period of calm reflection, as I know the Committee Chairman and others are undertaking, to think about a range of possibilities.

There are two issues to deal with before we think of intensifying our sanction regime. First, can a witness give a really good reason, because of some kind of legal advice or legal inquiry? We do not want to get in the way of proper inquiries into possibly serious crimes. Secondly, can we make sure that we do not contribute to chasing excitement, and often false allegations, because an individual is in the media spotlight? Where there is a serious interest, perhaps a lead Committee should take it up and handle that particular person.

It is also important to be fair between the different possible categories of witnesses. We have to bear in mind that an individual will not have the back-up, support and cover for legal and other costs that may be involved in being on the wrong end of an inquiry, whereas a representative of a great company will have enormous support and will have people writing parts of their evidence and drawing on the back data that is needed, and they will obviously have cover for legal expenses.

**Michael Fabricant:** I am grateful to my right hon. Friend for mentioning the types of witnesses who appear before Select Committees. I simply want to put the record straight. Is he aware that Dominic Cummings's father was an oil rig project manager, his mother was a special needs teacher and he went to Durham School? To categorise him, as the hon. Member for Edinburgh East (Tommy Sheppard) did, as some sort of "posh boy" is completely wrong.

**John Redwood:** It is always better to deal in facts than in general allegations or misdescriptions, so I thank my hon. Friend for his intervention.

The point I am making is that Committees should understand that an individual who does not work for a great corporation, who does not have a well-paid job or who is no longer part of an organisation does not have the same back-up and support as someone who is still the chief executive of a mighty company.

**Damian Collins:** My right hon. Friend is making an important point. The chief executive of a big company will have a team of people to help them prepare their evidence, but that is not required. Committees well understand that a submission from a company might be different from a submission from a private individual. There are many private individuals who submit written evidence and who freely come to give evidence to Committees without any of that support. All we ask them to do is to come and talk about themselves. In fact, when they seek to give evidence, they have the same legal immunity and protection as members of the Committee do, so they do not have to worry about potentially incriminating themselves or taking legal advice before speaking out.

**John Redwood:** I was not going to conclude that we should stop asking people who do not have a well backed up job, but we need to understand, as I am sure my hon. Friend does, that if we are asking an individual

who was once in an important position, with all that back-up, to come and talk about events of a year or two years ago, and if they do not wish to mislead the Committee and they wish to be factually accurate, they will need somehow to get access to the records of their past institution and they will need to go through a lot of preparation, and they will have to do it all for themselves or spend their own money on getting advice and legal support.

**George Eustice:** Does my right hon. Friend agree that we need to be mindful of the unintended consequences if we were to introduce a stronger sanction on witnesses for failing to appear? What if, for instance, the Digital, Culture, Media and Sport Committee were holding an inquiry into phone hacking and decided it would be newsworthy to force the parents of a murdered schoolchild to appear before the Committee? That would clearly be inappropriate, and it would clearly be inappropriate to use such a sanction in that situation.

**John Redwood:** That is another hard case I had not thought of, and it needs to be taken into account as we pursue this general issue of what would be a relevant sanction.

The third category of people is senior officials and Ministers who receive salaries from the public via the Government. I think they should be more answerable than anybody else, because they are, by definition, primarily remunerated by and spend much of their lives working for the Government and the public. I would have difficulties if we found that Committees could not get access to senior officials who work full time for the Government and the wider public or if, in certain cases, as my hon. Friend the Member for Folkestone and Hythe (Damian Collins) mentioned earlier, Ministers did not think they should be answerable to elected Assemblies because they thought it might be inconvenient to give more background or detail on the policies they have been pursuing or the decisions they have taken.

I would want to weight things a bit more heavily in favour of this House having extremely strong powers to demand the presence of senior officials and Ministers, who should not be able to refuse to answer, unless it is a state secret or a matter of national defence, just because it is embarrassing or might reveal that the Government have made a mistake or wasted a lot of money—as if those things never happen. It is our job to tease out those things, and to do so we need direct accountability.

Our Ministers are normally very good, and they have to be, because Mr Speaker or the Deputy Speakers will grant urgent questions, or there will be a statement or a Question Time at which Ministers have to come and give answers. Ministers also normally come to Select Committees. The system is not perfect, but it is rather less satisfactory with senior officials, and there have been occasions when Select Committees have found it quite difficult to get access to very senior officials who know a great deal that is of public interest and should not be secret.

From my memory of my past life as a Minister, there was a bit too much secrecy in government, and there was a feeling in the official machine that everything that happened before a Minister made a statement was somehow private, whereas I felt it was often better to explain some of it. If I had made a 51:49 call but had a

[John Redwood]

lot of sympathy with the 49%, because it was a collective decision, I found it helpful to explain to the House that I could see both sides of the argument, that we had to come down on one side or the other but that it was a marginal call. That is helpful to the House, but sometimes Ministers seem to think that the 51% call has to be put up as the only possible answer and all other answers are stupid, which does not make for good inquiries or for a good understanding of the difficult and sometimes messy business of government, in which Ministers often make imperfect decisions on insufficient information because a decision has to be made.

Something good can come out of this incident, which may be a more general recognition by this House that we need a stronger sanction for anyone in future who has no good reason for turning down a requirement to come as a witness. We need all UK citizens to feel they should come unless there is a compelling legal reason, but we need to be sensitive to the different categories of witnesses, and we need to have proportionate and sensible responses, according to how powerful a witness is and how much access they have to support and legal advice.

1.57 pm

**Kate Green** (Stretford and Urmston) (Lab): I am grateful to the Leader of the House for this early opportunity to debate the report of the Committee of Privileges, which we published last week, and for tabling a motion in the terms requested by the Committee. She was good enough to inform me that she is not able to be present in the Chamber this afternoon to move the motion, and I thank the hon. Member for Blackpool North and Cleveleys (Paul Maynard) for doing so and for supporting the Committee's report.

This case has proved rather protracted, for reasons I will come to, but it is essentially a very simple matter, so I will try to keep my remarks as brief as possible. As the hon. Gentleman outlined, Mr Cummings failed to obey, first, an order of the Digital, Culture, Media and Sport Committee and, then, an order of the House itself to attend an oral evidence hearing. When the House referred this to the Privileges Committee as an alleged contempt, we agreed a resolution on process that is appended to our report. It is based on a resolution agreed by our predecessor Committee some years ago when considering the case of News International witnesses who were alleged to have committed a contempt by misleading a Select Committee. We have adhered strictly to the procedures set out in that resolution, even though it has had the effect of lengthening our inquiry.

We invited Mr Cummings to give oral evidence, but despite our giving him ample opportunity to agree a date, it proved impossible to do so. In an email to us, and again in his blog last week, Mr Cummings has made various mis-statements about this. I do not wish to detain the House unduly, but I want to put on public record a rebuttal of one or two of his assertions.

In his blog, Mr Cummings states, in relation to the date of a projected evidence session before the Committee of Privileges, as agreed in December:

"We tentatively agreed 31 Jan"

but

"they cancelled the hearing in January and declined to reschedule it".

Our report sets out what actually happened. At the start of December we offered Mr Cummings a selection of dates for a hearing in January. In response, Mr Cummings told us that he would "probably" come on 31 January—the latest of the dates we offered—but that he would confirm before Christmas. He did not.

I wrote to Mr Cummings on 10 January, seeking confirmation. I received no reply. The Committee's Clerk emailed him on 23 January, also seeking a response. He replied on 28 January:

"hello ive just seen this, I will reply this afternoon".

There was no further reply. On 29 January, with two days to go until the proposed evidence session, and having had no confirmation that he would attend, the Committee met and decided that it had no alternative but to cancel the session and bring our inquiry to as rapid a conclusion as possible.

In his blog, Mr Cummings states:

"My last letter to the Committee of 26/2 is below. I got no answer..."

That is quite untrue. On 28 February, two days after his email, I wrote to him to respond in detail to his comments. I received no reply. All these letters, emails and responses are published on the Committee's website.

At an earlier stage—this is similar to the experience of the DCMS Committee—Mr Cummings had insisted that all Members of Parliament taking part in the hearing should take an oath. I replied, pointing out that that would not be possible; we were willing to administer the oath to him, at his own request, but the oath could be administered only to witnesses, just as in the law courts the judge and barristers do not take an oath. In his blog, he described that argument as "laughable". He also says that the Committee

"replied that No, *they didn't want to promise to tell the truth and sadly they weren't able to make such a promise(!)* but would I come anyway".

Those comments are completely fabricated. I will not continue outlining the exchanges; anyone who wishes to can read our full report, and the various letters and email exchanges published with it, and make up their own mind as to whether it was the Committee of Privileges or Mr Cummings who was behaving unreasonably.

Notwithstanding those responses from Mr Cummings, I want to assure the House that the Committee has done its very best to approach the case scrupulously. Our report assesses whether his conduct amounts to contempt of Parliament. It might seem obvious that a refusal to obey an order of the House, or of its Committees, is a contempt of Parliament. However, in certain exceptional circumstances it is conceivable that a prospective witness might be justified in declining to give evidence, if they have genuine grounds to fear that they would be treated unfairly, or that giving evidence might significantly prejudice future court proceedings against them.

The report considers the arguments advanced by Mr Cummings to see whether there were extenuating circumstances that might have justified his conduct, particular in relation to the risk of legal proceedings against him, which Government Members have mentioned today. The report concludes that the DCMS Committee had offered Mr Cummings a series of alternative dates for a hearing and that he had not supplied any evidence that he was at significant risk of criminal prosecution,



or that suggested any significant flaw in that Committee's inquiry or in its handling of witnesses. Legal inquiries into whether he or others might have been at risk of future criminal proceedings were assessed in the light of assurances that we received from regulators, which led us to understand that he himself was not facing criminal proceedings.

We agree with the DCMS Committee that Mr Cummings's evidence would have been relevant to its inquiry—a few moments ago we heard more detail from the Committee's Chair about why that would have been the case—and we agree that his refusal to attend was a significant interference with that Committee's work. We conclude that he committed a contempt by his refusal to obey first the Committee's order and then the House's order. We recommend that he be admonished by resolution of the House, to be communicated to him by the Clerk of the House. We do not recommend the old practice of summoning him to the Bar, which we believe would merely give him an opportunity to grandstand. The motion before the House, in conjunction with the report that it approves, constitutes the admonishment. If agreed to, no further action by the House will be sought in this matter.

Finally—this point has been raised a number of times this afternoon—the report comments that

“the case of Mr Cummings has raised further questions as to the enforceability of the House's powers and those of its committees to secure evidence”.

The Committee will therefore now return to its wider inquiry into these matters, referred to it in the previous Parliament, and we plan shortly to announce a series of oral evidence sessions. We hope to co-ordinate our inquiry with the Liaison Committee's current inquiry into Select Committee effectiveness.

**John Redwood:** Will the hon. Lady's Committee pursue comparisons to see what might be working more effectively in other democratic institutions?

**Kate Green:** I am grateful to the right hon. Gentleman for that excellent suggestion. I urge right hon. and hon. Member to submit their own evidence to the Committee—we will shortly publish details on how that can be done.

It has been apparent to all of us for some time that the current situation is unsatisfactory. I acknowledge that admonishment is a fairly feeble sanction against an individual who does not appear to feel a sense of shame at his own behaviour. The historical punishments used by the House—fining and imprisonment—have not been used for many years and, although they have not been abolished, it is highly unlikely that any attempt to use them now would survive legal challenge. None of the alternative options—they may be summed up as doing nothing, attempting to assert the House's rights through resolutions or changes to the Standing Orders, or legislating to confer powers on the House—is without objection, which is why the problem is still with us; if there was an easy answer, something would have been done a long time ago.

Notwithstanding that, the Committee wishes to canvass options vigorously, including, as the right hon. Member for Wokingham (John Redwood) suggests, by looking at how other legislatures around the world have dealt with the issue. We will focus not only on ways of

strengthening sanctions, but at ensuring, as we have striven to do in this inquiry, that the House is fair and scrupulous in the way it treats witnesses. We intend to report to the House with proposals as soon as possible.

I will conclude by placing on the record my thanks to my colleagues on the Privileges Committee for their assistance in bringing the report to the House, to the Leader of the House for tabling the motion, and to the Lord Commissioner of Her Majesty's Treasury, the hon. Member for Blackpool North and Cleveleys (Paul Maynard), for introducing the debate. I urge the House to support the motion.

2.8 pm

**Tom Brake** (Carshalton and Wallington) (LD): When Mr Speaker gave the admonishment from the Chair, it clearly had an impact on the hon. Member for Edinburgh East (Tommy Sheppard), who I think thought that it was perhaps targeted at him, given the reference to not making long speeches about matters that are not pertinent to the motion we are debating. I must say that I felt that, rather as with Mona Lisa's eyes, Mr Speaker was indeed looking directly at me, given his reference to taking a “liberal pen” and crossing out great swathes of a speech. I have therefore written my speech on the back of the Order Paper.

**Mr Deputy Speaker (Sir Lindsay Hoyle):** Two minutes, then?

**Tom Brake:** Absolutely—two minutes, or thereabouts.

This debate is clearly about the rights of the House and the consequences of failure to observe those rights. I am pleased that the Lord Commissioner of Her Majesty's Treasury, the hon. Member for Blackpool North and Cleveleys (Paul Maynard) opened the debate, because I would have had some reservations had the Leader of the House done so. She of course has a connection with the Vote Leave campaign, and in the circumstances it might have been inappropriate for her to open the debate. We have heard from—

**Mr Deputy Speaker:** Order. We are discussing somebody who is not here. I do not think it is quite fair to suggest what that person would or would not do. The right hon. Gentleman would be right to stick to his two minutes about the subject, rather than go into matters relating to the Leader of the House.

**Tom Brake:** My speech may be a bit longer following that intervention, Mr Deputy Speaker, but I will stick to the subject in hand.

The hon. Member for Stretford and Urmston (Kate Green) did a good job of setting out exactly how arrogant Mr Cummings has been in relation to the inquiry and the false allegations he has made about the way he has interacted with the Committee. His lack of accountability rather fits a pattern of a lack of accountability in relation to the whole Vote Leave issue. I know I am not allowed to speak about that at any great length, but given the role that she played, perhaps the Foreign and Commonwealth Office should consider revisiting the appointment of Gisela Stuart as the chair of Wilton Park, which is in the business of promoting good governance around the world. Other key players

[Tom Brake]

in the campaign include the co-convenor of Vote Leave, the Secretary of State for Environment, Food and Rural Affairs—

**Mr Deputy Speaker:** Order. We are not going to go through the people involved in the campaign. You were advised, Mr Brake, and you know much better than that. You are a much better politician and you do not want to test my patience or that of the House. Let us just move on with your two minutes.

**Tom Brake:** Thank you, Mr Deputy Speaker.

Let me conclude. It is clear that the action the Committee has taken and that we are going to take today is entirely appropriate. As the hon. Member for Folkestone and Hythe (Damian Collins) said, it will send a message to others. It would certainly send a message to others if we did nothing. As others have expressed today, I have doubts about whether the panoply of powers or punishments we have at our disposal is sufficient, but it is right that we pass this motion today.

2.12 pm

**Ian C. Lucas** (Wrexham) (Lab): This motion is about basic respect for Parliament, for individual Members of Parliament and for Select Committees. Under the exemplary leadership of the hon. Member for Folkestone and Hythe (Damian Collins), the DCMS Committee undertook an enormous task in carrying out the inquiry. Like all other Select Committees, the DCMS Committee is of course a cross-party group—we have Members from three separate political parties. We worked hard to produce two substantial reports that have been widely approved—by which I mean worldwide—and scrutinised very closely indeed. To obtain our evidence, we took oral evidence from a lot of individuals, many of whom were potentially under investigation, from businesses such as AggregateIQ, Cambridge Analytica and so forth. Under the Chair's guidance, we exercised extremely seriously our responsibility to make sure that none of the individuals concerned, whom we thank for giving evidence, were prejudiced. We exercised judgment at different times about preventing evidence from being given that might in any way prejudice any other inquiries.

In response to that work, we have had the actions of this individual—I invite all Members present to look at the correspondence included in the two reports before the House—who shows utter contempt, first, for the Chairman of the Select Committee, which is completely uncalled for: and secondly, for the institution of Parliament. None of us here is anything without our office. We are elected to come here and to be impartial, honest and committed in the work that we undertake. All we ask for is basic human respect from those with whom we deal. If Members read the documentation and correspondence from this individual, they will see it is quite clear that he has utter contempt for Parliament, which is in many ways ironic.

We cannot allow to continue a situation in which individuals have such utter contempt. If, for example, during the period some years ago when I used to take part in magistrates courts proceedings and Crown court proceedings, this individual had corresponded with a judge in the terms in which he corresponded with the Chairman of the Select Committee and with Parliament, he would have ended up in the cells pretty sharpish. I am not suggesting that we do that, but I am interested in the work that is going to be undertaken from the position we are in, because frankly we need to put in place some form of procedure, which is not beyond the wit of man or, indeed, woman, to codify the process that needs to be followed in cases where Select Committees take important evidence. That is an urgent task, because we all undertake important work that we want to see done to the best of our abilities.

This is a case in which a contemptible person has behaved contemptuously towards this institution. He should be held properly accountable for that and a proper procedure should be put in place to make sure that the type of disdain exhibited to this great Parliament should not be permitted again.

*Question put and agreed to.*

*Resolved,*

That this House—

(i) approves the First Report from the Committee of Privileges (HC 1490); and

(ii) endorses the conclusions of the Committee in respect of the conduct of Mr Dominic Cummings that the evidence sought by the Digital, Culture, Media and Sport Committee from Mr Cummings was relevant to its inquiry and that his refusal to attend constituted a significant interference with the work of that Committee; concludes that Mr Cummings committed a contempt both by his refusal to obey the Committee's order to attend it and by his subsequent refusal to obey the House's Order of 7 June 2018; and therefore formally admonishes him for his conduct.

### **MENTAL CAPACITY (AMENDMENT) BILL [LORDS] (PROGRAMME) (NO. 2)**

*Motion made, and Question put forthwith (Standing Order No. 83A(7)),*

That the following provisions shall apply to the Mental Capacity (Amendment) Bill [Lords] for the purpose of supplementing the Order of 18 December 2018 (Mental Capacity (Amendment) Bill [Lords] (Programme)):

#### *Consideration of Lords Message*

(1) Proceedings on the Lords Message shall (so far as not previously concluded) be brought to a conclusion three hours after their commencement.

#### *Subsequent stages*

(2) Any further Message from the Lords may be considered forthwith without any Question being put.

(3) The proceedings on any further Message from the Lords shall (so far as not previously concluded) be brought to a conclusion one hour after their commencement.—(Caroline Dinéage.)

*Question agreed to.*

## **Mental Capacity (Amendment) Bill [Lords]**

### *Consideration of Lords message*

**Mr Deputy Speaker (Sir Lindsay Hoyle):** I should inform the House that neither Lords amendment in the message engages financial privilege. I remind the House that the motions relating to the Lords amendments in the message will be certified as relating exclusively to England and Wales. If the House divides on either of these motions, a double majority will be required for the motion to be passed.

### **New Clause**

#### DEPRIVATION OF LIBERTY: CODE OF PRACTICE

2.17 pm

**The Minister for Care (Caroline Dinéage):** I beg to move,

That this House does not insist on its amendment 1 to which the Lords has disagreed, and disagrees with Lords amendment 1B proposed in lieu, but proposes amendment (a) to the Bill in lieu of the Lords amendment.

**Mr Deputy Speaker:** With this it will be convenient to consider the following:

That this House disagrees with Lords amendment 25A proposed to its amendment 25, but proposes amendments (a) and (b) to its amendment 25 in lieu of the Lords amendment.

**Caroline Dinéage:** We now have an opportunity to deliver reforms that will provide quicker and fuller access to protections for the 125,000 people who are not currently receiving them. That is 125,000 vulnerable people without the legal protection that they deserve, whose families do not have peace of mind, and whose care providers have no legal cover for supporting them. We now have an opportunity to rectify this situation.

In February, the other place considered the 56 amendments made to the Bill by the House of Commons, the vast majority of which were agreed with. However, the Lords tabled alternatives to two of the Commons amendments, and they are the focus of our discussions.

**Sir Peter Bottomley (Worthing West) (Con):** The Minister has rightly pointed out that the Bill will provide a great advantage to those who are directly affected. I do not want to be a total patsy for my local authority, but will she explain what the benefit will be for local authorities, which are responsible for trying to protect people's welfare and safety?

**Caroline Dinéage:** My hon. Friend makes an incredibly important point. This issue has been a huge burden for local authorities: they have had to carry out multiple deprivation of liberty safeguards often for the same people and often when those people move from one setting to another. That involves a huge amount of bureaucracy and does not offer any better protection for the individuals concerned. The new service will enable local authorities to do this in a much more streamlined and efficient way. It will save them money and, at the same time, offer better protection for the individuals about whom we all care.

Lords amendment 1B was tabled by Baroness Tyler of Enfield to set out the meaning of a deprivation of liberty positively, rather than by using the exclusionary approach set out by the Government. Noble lords are, of course, absolutely right to want to ensure that any definition is understood by people and practitioners. However, a positive definition of a deprivation of liberty is likely to be subject to a legal challenge as article 5 case law evolves, and it would become unfit for purpose incredibly quickly. This is a view not only shared by the Government, but highlighted beautifully in the other place by the esteemed legal experts Lord Mackay and Lord Hope.

Lords amendment 1B does not link the definition of a deprivation of liberty to article 5 of the European convention on human rights, so creating a risk of the definition set out in statute diverging from the convention. This would mean that people who fall outside Parliament's concept of deprivation of liberty but within the article 5 definition could not have their deprivation of liberty authorised under the Mental Capacity Act 2005. For those people, only the High Court would be available to authorise such a deprivation of liberty, which, in turn, would give rise to excessive delays in accessing vital safeguards.

That is precisely the situation that this piece of legislation looks to address—there are already too many people subject to delays when accessing safeguards, and we cannot introduce a provision that would further risk this.

Given that the Government have these concerns, we cannot agree with the noble lords in their amendment 1B. However, we know that concerns in the other place are reflected by many across the sector and we have taken that on board. We have listened carefully to the views of MPs, peers and other stakeholders and decided not to insist on amendment 1. Instead, I propose that the meaning of a deprivation of liberty will still be as defined under article 5 of the convention, as it is under section 64(5) of the Mental Capacity Act, but there will not be a clarification of the meaning of a deprivation of liberty in the Bill. The Bill will work alongside the rest of the Mental Capacity Act, so it does not impact on the existing definition.

I reassure the House that the Government are still absolutely committed to providing clarification regarding the meaning of a deprivation of liberty for both people and practitioners. We will use the code of practice to lay out in very clear terms and provide details of when a deprivation of liberty is and is not occurring, and this guidance will reflect existing case law. We will set out the meaning of a deprivation of liberty in a positive framing and in a way that is clearer for people and practitioners. We will also include case studies in the code to help bring this to life. Government amendment (a) in lieu of Lords amendment 1B will prescribe that the code of practice must contain guidance on what kind of arrangements amount to a deprivation of liberty.

**Kevin Foster (Torbay) (Con):** I thank the Minister for giving way and I am reassured by what she says. It would not be appropriate, for example, to put case studies on the front of a piece of primary legislation. Will she outline the timescale for bringing that code of practice forward?



**Caroline Dinage:** The code of practice is being worked on as we speak. It is very important that we take it forward in partnership with all the key stakeholders and those who are involved at the front end implementing the liberty protection safeguards. Once we are all content that the code of practice is robust and fully covers everything that we want it to it will then be presented to both Houses of Parliament.

This will mean that the definition will be considered regularly. It will remain up to date with evolving case law. It means that we are laying a report of the review before Parliament and that there will be a review within three years of the measure coming into force to ensure that it is working as intended. The review will extend to all the guidance related to the liberty protection safeguards contained in the code of practice and not just the definition. By regularly reviewing the code in this way, we will ensure that there is up-to-date guidance for people and practitioners and this will support the successful operation of the liberty protection safeguard system.

The amendment will ensure that the code clarifies when a deprivation of liberty does or does not apply and provide useful guidance for families, carers and professionals while also ensuring that we do not put a definition in statute that conflicts with article 5 of the convention and I ask the House for its support in this.

I shall briefly turn to Lords amendment 25A, which was tabled in the other place with the admirable aim of ensuring that the authorisation record is provided to the individual and other relevant persons in a timely manner. This followed the Government amendment that clarified the responsible body's duty to provide information to the person and other relevant persons. Noble lords amended the Bill to specify that a record must be kept if the authorisation record is not provided immediately. If the authorisation record is not provided to the person within 72 hours then a review must be conducted.

The Government agree that it is very important to make sure that the authorisation process record is provided quickly. However, there are some issues with Lords amendment 25A that need to be addressed before it can be put into statute. For example, it does not make a specific person or organisation responsible for recording that an authorisation record has not been provided for completing a review, so the duty cannot be enforced. Government amendment (a) in lieu of Lords Amendment 25A states:

"After authorisation arrangements, the responsible body must, without delay, arrange for a copy of the authorisation record to be given or sent."

Government amendment (b) in lieu will ensure that if the responsible body has not done this within 72 hours of the arrangements being authorised, it must review and record why this has not happened. Providing information, including in the authorisation record, is so important to ensure that people are able to exercise their rights. The Government have listened and reflected on the concerns of the other place and have brought forward this amendment. I ask that the House supports it.

Finally, I take this opportunity to put on record my thanks to the Members of both Houses. We set out to consult very widely on this piece of legislation and to listen very carefully to the concerns of both Houses. Both Houses have very carefully scrutinised this crucial piece of legislation. I also thank many of the stakeholders who have supported its development. I thank the Bill

team, particularly the Bill manager Sharon Egan, and officials across the UK and Welsh Governments who have worked with the team to deliver this reform. I thank, too, the legal team and my private secretary Flora Henderson. It is through a great deal of dedication and hard work that we will be able to rectify a failing system and provide protections to the 125,000 vulnerable people for whom it currently falls well short.

**Barbara Keeley** (Worsley and Eccles South) (Lab): When we last debated this Bill, I was clear that Labour did not think that the Bill was adequate to become law. The Minister has just expressed her thanks, but we did make it clear that it contained a number of serious flaws and this still remains the case. While improvements have been made in the House of Lords, they do not fix many of the concerns that we still have with this Bill.

The Bill still places more power than it should in the hands of care home managers. From organising assessments to carrying out consultations with the cared-for person, the Bill means that an untrained, or an ineffective, care home manager could end up carrying out the process in a flawed or improper way.

Recently, there was a focus on the scandal of abuse that happened at the Mendip House Care Home in Somerset, with six autistic residents with complex needs. The Safeguarding Adults Review carried out by the Somerset safeguarding board revealed a host of management failures by the National Autistic Society. The registered manager of that particular care home did not address the unprofessional behaviour of a thuggish gang of male staff. This resulted in the following abuse being meted out to the residents of Mendip House: they were "ridden like horses" by staff; forced to crawl on all fours; made to eat raw chillies; and, in one horrific instance, forced to eat food spiked with mustard, which caused the resident to vomit. The resident was then made by a member of staff to drink that vomit.

People living in Mendip House had complex needs and all would have lacked capacity to make certain decisions and all required deprivation of liberty safeguards. The Care Quality Commission had not receive any notifications that DoLS had been authorised. On care planning and recording, the review report on Mendip House states:

"Care plans were very poor with no mental health or Best Interests assessments recorded... DoLS not being followed.... recording poor, plans out of date..."

The Minister has previously said that, through this Bill, the Government

"are ensuring that people's wishes are always considered and respected, and that people are safe, cared for and looked after."—  
[*Official Report*, 18 December 2018; Vol. 651, c. 757.]

But I have just cited a case where the care home manager neglected both care planning and safeguarding, so what steps will the Minister take to investigate what happened at Mendip House? Will she ensure that such behaviour does not continue under the provisions of this Bill, given that so much power is given to care home managers? Today is World Autism Awareness Day, and we must do more than pay lip service to showing solidarity with autistic people.

2.30 pm

A further flaw is that the Bill could restrict access to independent advocates, which is an important safeguard. However, the granting of an independent advocate is not automatic. An overstretched local authority lacking the budget to pay for advocates following years of Government budget cuts could find itself unable to grant an advocate to everyone who needs one.

It is also still the case that the Bill does not give adequate protection to 16 and 17-year-olds who are subject to the liberty protection safeguards. Specifically, it does not grant their parents a right to veto arrangements that they feel are inappropriate. There remains a real danger that these young people will be detained, despite their parents' objecting to the arrangements. I stress that this is not only an issue for 16 and 17-year-olds, as many young people who have learning disabilities and are going to be subject to this Bill will still be largely reliant on their parents for support and advice. Cases that we discussed in Committee, such as those of Steven Neary and Oliver McGowan, have shown us that parents can find themselves cut out of the process, with their views made secondary to those of clinicians or care staff. That risks real harm to the younger people who lack capacity.

On the crucial issues of care home managers, advocacy and young people—as on many other issues—the Government did not see the value of the amendments that we tabled. I am sure that we will be back here in the future, debating legislation to rectify these flaws in the Bill, but we still have a duty to try to improve the Bill where we can today. I am glad to say that the Government appear to have made some sensible concessions on areas of the Bill that are still to be finalised.

I would like to pay tribute, as the Minister has done, to the people who have worked on the Bill, especially my Labour colleagues who have worked so hard to try to improve this legislation. In particular, I thank my hon. Friends the Members for Dewsbury (Paula Sherriff), for Nottingham North (Alex Norris), for Stockton North (Alex Cunningham), for Stockton South (Dr Williams), for Slough (Mr Dhesi) and for Birmingham, Selly Oak (Steve McCabe) for all their valuable contributions in Committee and on Report. I also thank our wonderful Whip, my hon. Friend the Member for Bristol West (Thangam Debonnaire), who is sitting on the Front Bench now. In the House of Lords, I thank Baroness Thornton, Baroness Wheeler, Lord Hunt of Kings Heath and all Labour peers across the House of Lords who have persistently made the case against the Government's approach to reforming this very complex legislation. They have always had in mind the interests of cared-for people, their families and those who work in the social care sector.

I turn to Lords amendment 1B and the Government's amendment to it, which contains two elements. The first removes the definition of deprivation of liberty from the Bill. The second is a commitment to regular reviews of this definition, as the Minister has just outlined. It is to be welcomed that the Government have relented and removed their previous definition from the Bill, as that definition pleased nobody and added nothing. The definition of deprivation of liberty is set out in European law. Nothing that we do in this place will change what article 5 determines is a deprivation of liberty; neither

the Government's initial definition nor Lords amendment 1B can determine that something is not a deprivation liberty for the purposes of article 5 of the European convention on human rights. In fact, all this amendment will do is decide who can be subject to a liberty protection safeguard, and thus who receives the safeguards that the scheme provides.

Submissions to the Public Bill Committee from DoLS leads and other practitioners made it clear that they did not feel that a definition was needed on the face of the Bill. Those professionals felt that they already had a sufficient understanding of the relevant case law, and that the definition would be superfluous—so the Government's definition was not for practitioners. The reason that the Lords pushed for a definition initially was to clear up confusion among lay people as to what constituted a deprivation of liberty, but the Government's definition was far too complicated to be understood by cared-for people and their families. The Government knew this but would not simplify it further, saying that simplification was for the code of practice.

Given that the initial definition served nobody—professionals felt it was superfluous and that others would not be able to understand it—the only remaining explanation for its usefulness was that it redefined the scope of deprivation of liberty, and thus reduced the burden of applications by removing people from the scope of the LPS. The Government would have had more success if they had paused the Bill and engaged in a detailed consultation on what the definition should have looked like. However, since day one the Government have been determined to drive this Bill through as fast as they can. Ministers have ignored many calls for a pause or to take a more measured approach. Those calls have come not just from Members in this place and the House of Lords, but from over 100 charities and user-led organisations. The Government did not listen. They seemed less concerned with implementing the right reforms, and more with implementing reforms right away. That is never the right way to make or amend law. I am glad that the Government have now changed their approach and removed their initial definition.

I will say a brief word about the definition tabled by Baroness Tyler in the House of Lords. She recognised that her definition was not perfect as she introduced it, but it was clearly a starting point around which a better definition could be constructed. Baroness Tyler's definition had the major advantage that it was easily understandable to someone without extensive legal experience. In removing it, we have to acknowledge that we are making the Bill less easily understood. As we have heard, the Government's solution is to ensure that the code of practice contains easily comprehensible guidance on what is and is not a deprivation of liberty. For this solution to be workable, we must ensure that the guidance is written in a way that can be easily understood by a layperson. It is not reasonable to expect cared-for people or their families to wade through strings of double negatives or endless pages of case studies. I hope that the Government will take this on board as they move forward with the promised code of practice for the LPS.

We still have some reservations about Government amendment (a) to Lords amendment 1B. It places far more weight on the code of practice, which means that we are voting not on a firm proposal, but on a promise that details will be forthcoming at a point in the future.

I am sure that other Labour Members will agree that that is not the way we should be asked to make decisions. To judge the merits of the Government's new amendment, we need to see the guidance that they are promising. If the guidance contains all the problems that the Government's definition did, we will simply have moved the problem out of the Bill and into the code of practice.

When the Bill was in Committee, I was made aware that a set of case studies had been produced, containing guidance on what did and did not constitute deprivation of liberty. The case studies were apparently intended to be a draft section of the final code of practice, but they were not widely circulated and were clearly not a final product. Had the Government laid this document or something similar before the House ahead of today, we would not be considering this amendment blindly, as we are now being asked to do.

The second part of the Government's amendment is a positive development. We are dealing with an area that is ultimately governed by an evolving body of case law. Indeed, the reason we are here today is that the original Mental Capacity Act was inflexible on this point. The judgment of the Supreme Court in *P v. Cheshire West and Chester Council* redrew the boundaries of the definition of deprivation of liberty. Significantly, it brought people in domestic settings into the scope of article 5 for the first time, but the Mental Capacity Act contained no provisions for these circumstances. The Act's code of practice was suddenly out of date, and people were left unsure as to what constituted a deprivation of liberty. This resulted in large numbers of blanket applications, many of which may not have been needed. The combination of those two factors produced a surge in applications, adding to the backlog that we still see today. If the Government in 2014 had updated the code of practice, they may well have helped to avoid care home managers making blanket applications for all their residents, regardless of whether those applications were justified.

Government amendment (a) to Lords amendment 1B, says that regular reviews must be prepared and laid before Parliament, examining the operation of the guidance contained in the code of practice. Obviously, these reviews will only be useful if the codes are then updated. Will the Minister confirm what plans there will be to remedy any future problems with the code of practice? Regular reviews of the code of practice are welcome, and will help to align the code with case law. However, as was the case in Committee, we still have not seen the code of practice. It is all very well the Government saying that they will review it, but we have no idea what they will be reviewing. We are still having to ask to see documents that are fundamental to the operation of the new system, and that is simply not acceptable. Despite those reservations, we will not oppose amendment (a) in lieu of Lords amendment 1B. We recognise that the Government have finally seen sense and have practical steps to allay our concerns.

Lords amendment 25A is much needed, and I am glad that the Government have accepted the principle behind it. When the Bill was in Committee, the Government introduced a requirement for the cared-for person and others to receive a copy of the LPS authorisation record "as soon as practicable" after authorisation has been granted, and I want to give just one example of why it is so important that people know as soon as possible what is happening in cases of deprivation of liberty: the

tragic case of Oliver McGowan. The Minister is familiar with the case, and I understand she recently met Oliver's mother Paula again, as I did last week.

Oliver McGowan, a young man, died because he was given antipsychotic medication to which he reacted badly, despite express warnings about its possible effect on him. What we only found out recently is that the Mental Capacity Act 2005 was not used appropriately in Oliver's case. The DoLS authorisation for his treatment was applied for after he was given the antipsychotic drug Olanzapine against his express wishes and those of his parents. He suffered an adverse reaction to the drug which led to his death. His family were not aware of the DoLS authorisation at the time, and it was only at the second coroner's pre-inquest review, a year after Oliver's death, that his parents found out about it.

The learning disabilities mortality review of Oliver's death—I am sure that the Minister would agree that it was a flawed process itself—raised concerns about the lack of a best-interest decision meeting taking place when there had been a dispute about Oliver's treatment. Paula McGowan told me that the 2005 Act

"was not applied during Oliver's time in Southmead Hospital and we were not listened to."

That is what Lords amendment 25A is trying to guard against—a situation in which a person is held under a DoLS for weeks without the legal basis for detaining them being explained to their parents or family members. Taken in conjunction with other rights to information contained in the Bill, the amendment will help to ensure that the cared-for person and their family can understand the process to which they are subject.

Lords amendment 25A sets a tangible limit on how long the meaning of "as soon as practicable" can apply in relation to the cared-for person and others receiving a copy of the LPS authorisation. That is important, because overstretched medical and care staff may be undertaking the task, but they may have many priorities competing for their time. In such a situation, it is all too easy to see that what is essentially an administrative step, such as giving a copy of an LPS authorisation record, could be deprioritised and not happen, which is unacceptable.

The authorisation record could be important in enabling the cared-for person and their family members to understand the effect of the LPS. Moreover, it will inevitably form the basis of any appeals against the granting of the LPS. It is hard to imagine an appeal against an authorisation being embarked upon before the cared-for person knows what decision has been made and why. As such, excessive waits for the authorisation record will act as a de facto block to appeals being launched immediately.

Lords amendment 25A sets a firm time limit of 72 hours for the authorisation record to be provided to the cared-for person and others. If that time limit is exceeded, there must be an investigation. The Government's amendment (b) to amendment 25 in lieu of Lords amendment 25A retains that important mechanism. In practice, it would incentivise professionals to meet their obligations to provide information to cared-for people and their families. We feel that a time limit is the best way to ensure that that is not forgotten.

As I said at the start, we support Lords amendment 25A, and I am glad that the Government have accepted the principle behind it. As such, we will not oppose Government amendments (a) and (b).



**Mr Deputy Speaker (Sir Lindsay Hoyle):** I call Kevin Foster.

**Kevin Foster:** Thank you, Mr Deputy Speaker. It is a particular pleasure to be called by you to speak in the Chamber. It is also a pleasure to speak in this debate to reflect briefly on a bit of the background as to why we need this Bill. Some 125,000 people are effectively subjected to this procedure but without the appropriate legal safeguards, so I welcome the fact that both Houses are now looking to support the Bill.

I welcome the Government amendments that have been tabled in lieu of the Lords amendments, and they take on their main thrust and spirit. As I touched on in my intervention on the Minister, it will be interesting to see the timescale for bringing in the code of practice. I accept that it needs to be done properly and be consulted on and that there must be appropriate case studies, but one of the reasons for supporting this Bill is to see that come forward relatively quickly so that there is certainty. Perhaps the Minister will put a letter in the Library that sets out the timescale.

I would not expect to hear a date picked out of the air and stated on the Floor of the House—that would be unreasonable and inappropriate—but it would be useful to get a sense of the timescale, because I assume that we are talking about months, not weeks or years. It would be inappropriate to include specific examples on the face of the Bill, but it is right that the amendments look towards the creation of a clear code of practice and review, providing the opportunity for the House to consider any reviews and hold Ministers to account, because this legislation relates to our most basic right: the right to choose where we live and what we do with our time.

2.45 pm

I listened carefully to the shadow Minister, who discussed how to regulate care homes and to ensure that standards are applied. I am not suggesting that every consultation should be carried out by someone from the local authority. Indeed, as I said at an earlier stage of the Bill, it may be more appropriate for a carer who knows the person well to carry out part of the consultation rather than having someone turn up from the council. Again, this is about how to ensure that appropriate standards are maintained. I will keep to the amendments, but we could have a longer debate about how to ensure that regulatory standards are where they need to be.

**Barbara Keeley:** In the example I gave, residents who had lived in a care home for a long period had a manager who did not keep their care plans or any documentation, and they suffered terrible abuse. Such things do go on, and I am still concerned that we are giving responsibility to people who are already overstretched and may not be doing or may be unable to do a good job.

**Kevin Foster:** I accept the point. However, the hon. Lady's example is not just about standards being ignored, because there was a raft of, bluntly, criminal behaviour and abuse. If we were having a longer debate about care homes and the regulatory system, we could look at whether having the Care Quality Commission cover such a wide range of areas is the best way of ensuring that such things do not happen, but Mr Deputy Speaker is always keen for us to stick to the topic of the debate.

The amendments relating to Lords amendment 1B are appropriate and slightly better than the original, and the amendments relating to Lords amendment 25A make eminent sense. It makes sense to record why something has not happened, because if there are concerns about the management of a care home, there should be a duty to record why something was not done, not just to review it. The management could in theory say, "I've reviewed it, but I didn't record what I've concluded," or try to come up with a conclusion later.

**James Morris (Halesowen and Rowley Regis) (Con):** On recording things, one issue that arose when we were in Committee related to fluctuating conditions. For example, if somebody were subject to a DoLS, but then medical evidence demonstrated that they could be released from it, that makes it even more important to ensure that records are kept and that there is absolute clarity around the reasons for deprivation of liberty.

**Kevin Foster:** My hon. Friend makes a strong point. We should not just assume that once a DoLS is in place it will be there for life. For some people, it may apply during a particular period of treatment or time, and things will fluctuate for some people if they recover to a point at which a DoLS is no longer appropriate because they are able to make their own decisions. As he says, the appropriate records must be kept to ensure that that is properly reviewed and borne in mind, so that a decision cannot be made that someone should be subject to this forever. There should be a rolling review, to ensure that those in charge of caring for a person and those overseeing the care are satisfied that it is still the appropriate measure, given its impact on the person's life.

I do not wish to prolong the debate, given that there is consensus across the House, which is welcome. The Bill will be better for having these substitute amendments, inspired by the Lords amendments, and on that basis, I hope the House will endorse them.

**Jim Shannon (Strangford) (DUP):** It is always a pleasure to follow the hon. Member for Torbay (Kevin Foster), as I do on many occasions. I agree with what he said. First, I thank the Minister for her commitment, for our comprehensive discussions and for making herself available for each and every person who wished to have input into this process, and hopefully the changes that the Government want to see will be passed.

The Government have gone to some lengths to ensure that this Bill replaces and improves existing legislation surrounding the deprivation of liberty as a matter of pressing urgency. The current system is not fit for purpose—many people in this Chamber and outside it feel that—and this legislative change by the Government is what we want to see.

The Bill implements the Law Commission's recommendations, introducing a new system for people who lack capacity and need to be confined for care and treatment, ensuring that the system protects vulnerable people, is person-centred and includes a strong role for carers and families. I have had a chat with the Minister about this, and the Bill will also ensure that supported people and their families are supported and included throughout the process. That is very positive.

[*Jim Shannon*]

The supported person will be afforded their rights throughout the process by an appropriate person. The appropriate person will normally be a family member. Carers and families will be given a stronger role, with an explicit duty to consult them and the supported person. As someone who cares, along with my mother and son and others, for my brother Keith, who was in a motorbike accident some 15 years ago, I know the importance of the carer's role across the whole process.

**Mr Jim Cunningham** (Coventry South) (Lab): The hon. Gentleman makes an important point. For far too long, families have been left out of the equation when they should have been involved. There is an argument for looking at carers' training and their suitability, perhaps through certification, because there have been lots of cases of abuse in the past. It has gone on for years, and we have to pay particular attention to that. The Care Quality Commission should be improved; it does not have the numbers to do the job. I often follow its reports in Coventry, so I have a good idea of its needs. Does he agree that those areas could be looked at?

**Jim Shannon:** I certainly do. The Minister has responded to the concerns of the hon. Gentleman, myself and others in a spirit of generosity, and perhaps this legislative change does that.

I welcome moves taken to make the definition of deprivation of liberty as strong as possible. What the Government have done is clear. It is vital that the definition links back to the European convention on human rights and provides a sturdy basis to protect vulnerable people. That is good news.

Members have referred to the 125,000 people who are currently deprived of their liberty without the necessary protections in place. Through this legislative change—which will not be opposed; a very helpful attitude has been adopted in the House of Lords and on both sides of this House—can the Minister indicate what will be done to reduce the backlog?

The Government have been lobbied and have consulted the Local Government Association, charitable bodies and other interested people and groups. As a result, we have a vital opportunity for long-awaited reform, and the Bill needs to be passed.

Mr Deputy Speaker, I gave you my commitment that this would be a short contribution, and I intend to keep to that. I want to finish with two quick questions to the Minister. Can she explain how the role of an appropriate person will support and protect vulnerable people in the proposed new system? Secondly, will she confirm that the needs of the supported person and their families will be put first?

**Mr Deputy Speaker (Sir Lindsay Hoyle):** Just to help, the Minister would need leave to respond to those questions, so the hon. Gentleman is putting pressure on for something that is not available at the moment.

**Jim Shannon:** I would never put pressure on the Minister—not in a million years; I know my place. I suggest gently to her that those two things could be looked at.

**Helen Whately** (Faversham and Mid Kent) (Con): It is always a pleasure to follow the hon. Member for Strangford (Jim Shannon), who makes such thoughtful contributions. I will be brief, as we appear to have a large amount of consensus on this piece of legislation.

First, I want to pay tribute to my hon. Friend the Minister for the work she has done on the Bill, her extremely consensual approach to it and the way she has listened to concerns from Members on both sides of the House and consulted stakeholders widely. It has been a real pleasure to work with her on the Bill, and I thank her for that.

This Bill is critical because it concerns some of the most vulnerable people in our society. We have talked about the fact that there are 125,000 people waiting to be processed for deprivation of liberty orders, and the system is not working, but there are 2 million people who have impaired mental capacity in the country, and we need to get the system right for all of them, not just the 125,000 who are being let down by the current system.

It is also important to say that the Bill builds on more than three years of work and the recommendations of the Law Commission. It has been fully scrutinised by the Joint Committee on Human Rights, and the other place has contributed to it, as have members of the Bill Committee. I have received many emails in support of the fact that it introduces a better system, gets rid of the bureaucratic box-ticking exercises in the old system and should be better for both the individuals who are deprived of their liberty and their families.

**Barbara Keeley:** The work that was done for three years was on a 15-clause Bill that is not this Bill. We discussed that plenty of times in Committee. I think it only fair to be accurate. This five-clause Bill is not the Bill that was consulted on, and it is not the Bill that had three years of work. It is not correct to claim that it is. We spent a lot of time in Committee trying to put right the things that were missing and taken out of the earlier 15-clause Bill, and it is better to be accurate about that.

**Helen Whately:** I thank the hon. Lady for her intervention. Broadly, I was attempting to say that a significant amount of work has gone into this. I have heard overwhelmingly from those working in the sector about the importance of doing something about the current situation, because it is not working and cannot be allowed to continue. This is urgent.

It is right that the NHS and social care providers will be given a bigger role in the decision-making process, so that people under their care receive better care and their rights are protected. The fact that we have people outside the system unprotected at the moment clearly cannot be right and cannot continue. During the passage of the Bill, I raised concerns about how it will work for people with fluctuating conditions, and I have been reassured by the Minister that responsible bodies will be required to keep individuals' circumstances under review. I welcome the fact that there is further detailed guidance on fluctuating conditions in the code of practice.

I turn to the amendments and particularly the debate about the best way to define "deprivation of liberty". It feels like a sensible conclusion has been reached in order for us to move forward, with a plan to develop the

definition further through the code of practice. These things evolve and are extremely complex, and we need a flexible system that meets the needs of our society.

To sum up, the old system is not fit for purpose. The Bill makes important and timely amendments. It is better for individuals and all those around them to ensure that they have appropriate protections for the very serious matter of depriving individuals of liberty.

*Question put and agreed to.*

*Resolved,*

That this House does not insist on its amendment 1 to which the Lords has disagreed, and disagrees with Lords amendment 1B proposed in lieu, but proposes amendment (a) to the Bill in lieu of the Lords amendment.

*Resolved,*

That this House disagrees with Lords amendment 25A proposed to its amendment 25, but proposes amendments (a) and (b) to its amendment 25 in lieu of the Lords amendment.—(*Jo Churchill.*)

## Exiting the European Union (Consumer Protection)

3 pm

**The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Kelly Tolhurst):** I beg to move,

That the draft Geo-Blocking Regulation (Revocation) (EU Exit) Regulations 2019, which were laid before this House on 14 March, be approved.

The statutory instrument will revoke both EU regulation 2018/302 and the Geo-Blocking (Enforcement) Regulations 2018 in the event of the UK exiting the EU without a withdrawal agreement. This recognises that in the event of a no-deal exit from the EU, there will be no way to enforce effectively the geo-blocking regulation on behalf of UK consumers.

Geo-blocking is the term used to describe traders discriminating against customers on the basis of nationality or of the location of the customer. The EU's geo-blocking regulation prohibits certain forms of geo-blocking, including through mandating access to all versions of a website in the EU, preventing discrimination between EU customers when distance shopping online or otherwise, and preventing discrimination in the payment terms accepted. This regulation came into force on 3 December 2018. The geo-blocking regulation does not apply to copyrighted online content, such as movies, e-books and video games.

The Geo-Blocking (Enforcement) Regulations 2018 enabled the domestic enforcement of the geo-blocking regulation. The regulations gave powers to certain regulators and acknowledged the right of customers to bring claims directly against infringing traders. These regulations came into force on the same day as the geo-blocking regulation. In the event of a no-deal exit from the EU, the geo-blocking regulation will be transposed directly into UK law, under the European Union (Withdrawal) Act 2018, as retained EU law. The Geo-Blocking (Enforcement) Regulations 2018 will also continue to have effect after a no-deal exit, unless revoked.

It is necessary to revoke both these pieces of legislation as it will not be possible to enforce effectively the geo-blocking regulation on behalf of UK customers after a no-deal exit from the EU. This is because EU regulators will no longer be obliged to bring action against businesses through EU mechanisms for cross-border co-operation; UK civil and commercial judgments would no longer be automatically enforced in EU member states and courts; and the UK Government cannot unilaterally enforce the geo-blocking regulation across the EU.

Given that geo-blocking cannot be enforced unilaterally by the UK across the EU in the event of a no deal, it is not possible to replicate the geo-blocking regulation's benefits for UK consumers in domestic law. The provisions of the geo-blocking regulation do not apply to transactions occurring solely within one country. Therefore, there is no benefit to UK consumers in retaining a version of the geo-blocking regulation that applies only to the UK.

**Mr Jim Cunningham** (Coventry South) (Lab): I have a genuine question: will the Minister tell us how we can protect the British consumer in that particular situation?



**Kelly Tolhurst:** We are debating a no-deal SI, and leaving the European Union means that the law is disappplied, so by leaving the European Union we are moving out of those protections.

Furthermore, if we do not revoke the geo-blocking regulation, it would result in a competitive disadvantage for UK traders. They would have to continue giving EU consumers preferential treatment, while EU traders would not need to do the same for UK customers. To avoid this, which is in the EU's favour, we propose revoking the geo-blocking regulation in the UK.

The effect of this statutory instrument is simple. The retained EU law version of the geo-blocking regulation and the Geo-Blocking (Enforcement) Regulations 2018 will be revoked in the event of a no-deal exit from the EU. The substantive rules contained in the geo-blocking regulation will no longer have effect in the UK after that regulation is revoked. It is important to note, however, that this legislation will continue to operate in the EU. As such, UK businesses operating in EU markets will still have to comply with the EU regulation when dealing with EU consumers.

The changes made to schedule 13 to the Enterprise Act 2002 by the Geo-Blocking (Enforcement) Regulations 2018 were undone by a separate statutory instrument, the Consumer Protection (Enforcement) (Amendment etc.) (EU Exit) Regulations 2019. Those regulations were debated and approved by the House on 30 January and were made on 6 February 2019.

The Geo-Blocking (Enforcement) Regulations 2018 enable the domestic enforcement of the geo-blocking regulation. They also provide for UK customers to bring claims directly against traders that breach the geo-blocking regulation. As the intention is to revoke the geo-blocking regulation in the UK and UK customers will not be able to rely on it thereafter, such provisions would serve no purpose.

A failure to revoke the geo-blocking regulation and the Geo-Blocking (Enforcement) Regulations 2018 would not preserve UK customers' consumer rights. Those rights will in effect be lost if the UK leaves the EU without a deal. The only effect would be to continue to impose obligations on UK traders while providing no benefit to UK customers.

The subject matter of this statutory instrument is partially devolved to Scotland, Wales and Northern Ireland. The statutory instrument has been consented to by the Welsh and Scottish Administrations, and the Northern Ireland civil service was notified in line with the protocol agreement in place during the absence of the Northern Ireland Executive. I would like to take this opportunity warmly to thank the devolved Administrations and the Northern Ireland civil service for their ongoing co-operation.

**Jamie Stone** (Caithness, Sutherland and Easter Ross) (LD): I rise as a former Chairman of the Subordinate Legislation Committee in the Scottish Parliament. The Minister has mentioned the co-operation at civil service level. May I have the safety of an assurance that there is similar co-operation at political level between those who handle statutory instruments in Westminster and those who do a similar thing in Holyrood?

**Kelly Tolhurst:** I would like to outline the fact that this was given political consent: the Minister in Scotland wrote to us to give his consent for the statutory instrument.

In conclusion, the statutory instrument simply recognises the practical effect of a no-deal exit from the EU. The Government are seeking to ensure that UK traders are not unfairly subject to rules that do not benefit UK customers.

3.8 pm

**Bill Esterson** (Sefton Central) (Lab): I thank the Minister for her opening remarks. She set out exactly what the existing regulations do and, to be entirely honest, what she is proposing in the case of no deal makes perfect sense. The regulations before us revoke the existing regulations that prevent undue discrimination across the European Union by the blocking of consumers in one country from accessing websites in another member state or by redirection to the member state of the consumer.

A number of questions arise from the Minister's remarks and from at least one of the interventions she took. She spoke about the fact that these regulations are relevant only in the event of no deal. When she responds to the debate, will the Minister confirm that, if a deal is agreed, the Government have no intention of revoking these or similar regulations? She is engaged in a conversation at the moment, so I hope she heard that question.

My hon. Friend the Member for Coventry South (Mr Cunningham), who is no longer in his place, asked the Minister a very good question about how UK consumers will be protected in the event of no deal. His question highlighted just how important it is that we do everything in our power, particularly in these next 10 days, to avoid the disaster of crashing out with no deal. That is the best way in which to avoid having to revoke the regulation.

**Kevin Foster** (Torbay) (Con): The shadow Minister has said that we need to do everything in our power to avoid the UK crashing out. Does he agree that voting for the withdrawal agreement would be the best way of doing that?

**Bill Esterson:** I think the hon. Gentleman is wandering a little from the issue under discussion.

**Mr Deputy Speaker (Sir Lindsay Hoyle):** I think he is trying to tempt you.

**Bill Esterson:** I think he might be. Suffice it to say that that deal has been rejected three times, on the first occasion by the largest margin by which a Government have ever been defeated in the known history of Parliament. Quite apart from the undesirability of what is in that deal, I think we should probably move on. I have a sixth sense that it will come back for fuller debate on another occasion.

The Minister made a very strong case for cross-border co-operation, for maintaining the regulation and for a mutual recognition agreement so that we can maintain protections for consumers and businesses. I hope she will confirm that when she responds to the debate.

I am not able to confirm with absolute certainty that the revocation will deliver what the Government intend it to do. We have to accept the Minister's word that it will do so. I have no reason not to accept it, but I do not have the technical expertise. The papers in front of us do not allow me to say any more than that, so I have to

put on the record my reservations and those of my party. As ever with the statutory instruments we are being asked to approve, there is no impact assessment. The lack of published consultation responses also makes it that much harder for us to analyse what we are being asked to approve.

Businesses and consumers need confidence and certainty. I note from the explanatory memorandum that a number of business organisations were consulted. Perhaps the Minister could provide more detail on what they said. She has done so on previous occasions, so I look forward to hearing what was said in those consultation discussions.

The regulations that we are being asked to revoke are designed to prevent discrimination based on location. They exist to stimulate the internal market of the European Union and to support the free movement of goods and of free trade through the digital sector. They address the possible restriction on competition between businesses across the European Union market and ensure that consumers have access to the best offers, prices and conditions of sale. They do not limit trade for consumers to goods and services in their own country—that is a very important distinction—and that is precisely what has happened since the regulations were introduced at the start of last year. They also prevent website redirection away from businesses that are not in the consumer's member state.

If we leave with no deal, the draft regulations will revoke the geo-blocking regulation completely. No deal would end the protections for UK businesses and consumers, as they would not be protected in the European Union. The Minister set that point out very well in her opening remarks. As she said, retaining the regulation in the UK would mean that we could be blocked but would not be able to block against discriminatory practices from within the European Union. Those points are well made in paragraphs 2.4 and 2.5 of the explanatory memorandum. Paragraph 2.4 makes the point that

“if we did not revoke the Geo-Blocking Regulation, UK traders would continue to have obligations to EU customers under the Regulation while UK customers are unlikely to receive any of its benefits.”

Paragraph 2.5 states:

“To avoid this asymmetry of enforcement obligations in the EU's favour, we are revoking the...Regulation in the UK.”

I accept those points, which is why we will not oppose the revocation.

The revocation of the regulations would at least minimise discrimination, but that is a bare minimum and a low base from which to operate. It would be far better not to have to do this and to have mutual recognition after we leave the European Union and continue with an arrangement that protects our businesses and consumers against discrimination as far as possible.

The draft regulations are an example of what no deal means. After yesterday's latest failure by Members from across the House—but from some parties in particular—to be prepared to find a compromise to avoid no deal, we are one day closer to the dire prospect of that outcome. Of course, the Government should have taken no deal off the table, so that MPs did not have to do so, to avoid what in all honesty are desperate, last-minute no-deal preparations. That is the only way to describe what we are being asked to do today, 10 days before a likely no-deal departure.

The CBI was one of the business organisations referred to as having been consulted. Although I do not have its response to the consultation—I hope to hear it shortly from the Minister—I do have what it wrote to the Prime Minister, in a joint letter with the TUC, about the consequences of no deal. Is it not refreshing to see the leaders of the employers' largest representative organisation and the leaders of the workers' representative organisation working so closely together, signing a joint letter to the Prime Minister? That is what leadership in this country looks like and it is a great shame that we have not seen more of it from politicians.

The joint letter makes it clear that no deal would be disastrous for the country—for businesses and for workers—and that also applies to the draft regulations, should they ever be needed. On a no-deal outcome, the CBI-TUC letter states:

“Firms and communities across the UK are not ready for this outcome. The shock to our economy would be felt by generations to come...avoiding no deal is paramount.”

They describe no deal as causing “reckless damage”—*[Interruption.]* It is a shame that those Members commenting from sedentary positions on the Government Benches did not support some of the alternative options available to us yesterday. The TUC and CBI call for a plan B, which has been rejected by those Members who have been heckling me for the past few seconds.

**Sir Oliver Heald** (North East Hertfordshire) (Con): I do not know whether the hon. Gentleman would like to join me in welcoming the fact that the House of Lords has just passed the Animal Welfare (Services Animals) Bill, which will give protection to police dogs and police animals.

**Bill Esterson:** I am delighted to welcome the passing of that Bill. I was not quite sure what that intervention was going to be about. I agree that it is an extremely welcome and important piece of legislation that has made progress in the other place.

The TUC and the CBI are calling for a plan B. I hope that, as we make further progress in finding alternatives tomorrow, we do that and avoid a no deal. If that is the case, the Minister will not have to invoke these regulations.

The revocation of the geo-blocking regulation is not the largest single impact of no deal; it is a small example of the consequences, and I hope it is not needed. I hope that the Minister and all hon. Members agree with that point.

I have a couple of questions for the Minister in addition to what I asked her earlier. I understand that there are businesses in the UK that currently use hosting services from EU providers. Can she reassure them about how that access will continue if the geo-blocking regulation is revoked in the event of no deal? The impact assessment takes a very narrow view and does not comment on the number of individuals using services from the EU in this way under the regulation. I hope that the Minister can give some sense of what the impact would be, what the likely outcome is, and how the Government propose to protect businesses in the event of no deal in this respect.

Consumers currently enjoy the ability to buy services and goods from across the EU. Will the Minister indicate whether the Government have assessed what the impact on them will be in relation to access to services and

[Bill Esterson]

registration? Will businesses in this country be able to buy services from within the EU if the regulation is revoked?

I and other hon. Members have asked questions about the damage that no deal will do on a small scale through this one set of regulations. One way to express it is to say that these regulations show that the Government have failed to prepare; another is to say that they have not prepared because it simply is not possible to prepare for no deal. These regulations, like so much else that is going on at the moment, given the looming prospect of no deal, demonstrate that. We can overcome the danger of a disaster only by avoiding no deal. I hope that hon. Members from all parties will take note of that and will try to find alternatives. The Government's deal will not go through, so an alternative needs to be found.

3.23 pm

**Kevin Foster** (Torbay) (Con): It is a great pleasure to follow the hon. Member for Sefton Central (Bill Esterson). I want to reflect his comments about the necessity of this statutory instrument, based on whether we have a no-deal outcome. This is effectively a no-deal prep piece of legislation. He is right that we want to avoid no deal. That is the preferred outcome of virtually no one in this House. Some hon. Members might be prepared to accept it if necessary. We cannot go into a negotiation saying, "I'm going to stay here until you finally force me to accept something." That will never be a successful strategy.

There is an easy way for no deal to come off the table: to agree a withdrawal agreement. One of the ironies of last night's debate is that there are only two outcomes that we could have without the withdrawal agreement, and the European Union has made its views clear. The first is no deal, and the second is no Brexit—the revocation of article 50. To be fair to Scottish National party Members, with whom I often exchange opinions across the Chamber, their view is that they will not vote for the withdrawal agreement because they would prefer to go for one of the options that does not require a withdrawal agreement—in other words, the revocation of article 50. It is therefore slightly strange to get a lecture from people saying that the deal will never go through but who last night voted predominantly for two options that are based on the withdrawal agreement going through as the divorce from the EU. They are arguing about what the future relationship should be, but the withdrawal agreement is the gateway to the future relationship.

**Julian Knight** (Solihull) (Con): My hon. Friend is absolutely correct. There is bemusement in Brussels about why we are dealing with something that is downstream—the political declaration—rather than the withdrawal agreement itself. As he said, it is either no Brexit or the withdrawal agreement. Take your pick.

**Kevin Foster**: Absolutely. Members who do not want no deal and keep coming to the Chamber and telling us, "No to no deal"—a great soundbite, but not a solution—need the withdrawal agreement to go through, unless they are prepared to stand up and say, "I would revoke article 50." That is not the position that I will take, because I do not think it is right—the referendum

settled that matter—and I am sure it is not my hon. Friend's position. We therefore need to look at how we get the withdrawal agreement through.

I very much welcome the constructive approach to looking for compromise taken by the hon. Members for Stoke-on-Trent Central (Gareth Snell) and for Wigan (Lisa Nandy). Sadly, their amendment was not selected, but hopefully it will be incorporated into the Government Bill. I note the Prime Minister's comments on that. That would ensure parliamentary scrutiny, and it would ensure that Parliament is not unhappy with what comes out in the future relationship. [Interruption.] I see that you want me to relate my comments to this statutory instrument, Madam Deputy Speaker. Putting the withdrawal agreement in place would mean that we would not have to enact this type of statutory instrument. This is a no-deal—in other words, a no-divorce-deal—statutory instrument, not just a no-future-relationship statutory instrument.

**Julian Knight**: Will my hon. Friend give way?

**Kevin Foster**: I will give way briefly, but I am conscious of time.

**Julian Knight**: My hon. Friend is being very generous in giving way. He is always conscious of the clock.

Does my hon. Friend agree that paragraph 2.4 of the explanatory memorandum emphasises how disadvantaged we could be by a no-deal Brexit in terms of consumer rights? It says:

"if we did not revoke the Geo-Blocking Regulation, UK traders would continue to have obligations to EU customers under the Regulation while UK customers are unlikely to receive any of its benefits."

That seems like an absolutely ridiculous position to be in.

**Kevin Foster**: I have always been clear that 63% of my constituents voted for us to leave in the referendum, and ultimately we have to have no deal as a fall-back if all else fails. If Opposition Members are desperate to avoid that situation—if that is their absolute priority—they had an opportunity to do that on Friday, and I hope they will get another one in the near future. That is not ideal; having a transition period during which businesses can adapt is the right way forward.

If we do not pass something like this statutory instrument, we will end up in the rather unenviable position in which UK businesses will be required to follow a piece of legislation, yet businesses in the other 27 member states of the EU are not. In effect, they could have rules blocking access to their websites and portals based on the fact that we would no longer be part of the EU. Meanwhile, our law would say that—

**Julian Knight** *rose*—

**Kevin Foster**: If my hon. Friend just gives me a moment, I will finish responding to his previous intervention before I take another one. We would still have to keep that access, and that is why we need to look at revocation of these measures. I will briefly take my hon. Friend's intervention, but I am conscious that I need to move on to the main body of my argument in a minute.

**Julian Knight**: I thank my hon. Friend again for giving way. Does this not also emphasise the fact that there are also downstream consequences? I am not talking just



about the one that I emphasised from paragraph 2.4 of the explanatory memorandum. Paragraph 2.3 also states:

“UK civil and commercial judgments would no longer be automatically enforced in EU member”

states. Does my hon. Friend agree that would have downstream consequences for the premier position of UK legal services as well?

**Kevin Foster:** I am conscious that I could probably expand this debate widely into legal services and the impact potentially from the recognition of judgments between different jurisdictions. A lot of people forget that the EU is not a sovereign state—I do not want it to be and nor does my hon. Friend. It is a creature of treaty, and its actions and rules are therefore effective only through the structures of member states—that is, recognition of court judgments that enforce EU law between different jurisdictions. He is right that if we go out under a no-deal scenario, from Brexit day plus one, that level of co-operation and recognition is unlikely. That is why this SI is needed. Bizarrely, the enforcement of these EU regulations could be pursued in courts across the EU, or even in our own courts, and meanwhile, a judgment looking to enforce to the benefit of a British company would not be recognised at all. It would basically be a bit of paper someone would get.

We keep coming back to the fact that if people do not want this type of outcome, they have two choices. There is the Scottish National party’s choice, which is to revoke article 50—[*Interruption.*] We can hear the cheers coming from SNP Members. Or we can put through the withdrawal agreement. That is where we are. We can talk about whether we should be in a particular type of customs arrangement, what we would like on security and defence, and whatever. At the end of the day, the withdrawal agreement is the gateway to every relationship with the EU, other than revocation or no deal.

**David Linden** (Glasgow East) (SNP) *rose*—

**Kevin Foster:** I will happily give way to my friend, the hon. Gentleman.

**David Linden:** I am grateful to the hon. Gentleman for giving way. Are we not facing a Hobson’s choice? The hon. Gentleman says that we need to support the deal that is before us, but one of the things that I am struck by sitting in this debate is that we were meant to leave the European Union on Friday, yet we are dealing with a statutory instrument on the subsequent Tuesday. Is not the issue that the Government have forced us into this position because the Prime Minister, through her intransigence, set her red lines—like these red lines on the floor that have kept us on this side in this House—and said, “We do not want to listen”? That is why three or four days after we were meant to leave the EU, we now find ourselves being rammed into this position by Her Majesty’s Government.

**Kevin Foster:** Let us be candid: we are here because there are those in this House who do not want Brexit to go ahead, who voted against the withdrawal agreement—to be fair, that is a principled position from the SNP. This is combined with those who see it as a chance to score some political points, and there are some Government Members who think—perhaps wrongly—that there might be a different type of Brexit if they resist the withdrawal

agreement. I am afraid that they might find themselves with an outcome that is more pleasing to the hon. Gentleman than it is to them, if their position continues.

Let us be clear: the Scottish National party and the Government in Scotland suggested after the referendum that basically, as long as we only left the fisheries policy, they would be happy with Brexit. In terms of staying in the single market and the customs union, it would be debatable whether we would even come out of the common fisheries policy—

**David Linden** *rose*—

**Kevin Foster:** I will give way again in a moment. I am sure that the hon. Gentleman wants to offer a point of clarification.

That outcome would not really be about delivering any real benefits from the referendum. To be fair, I note that the SNP’s position is firmly that it wants to stay in the EU. That is a respectable point. I accept that we do not need the withdrawal agreement for that, but the nonsense comes when people say, “I want one of the outcomes where I have to have the withdrawal agreement, but I am now going to vote against the withdrawal agreement.”

**David Linden:** I am very grateful to the hon. Gentleman for giving way; he is one of my genuine friends in this place. He is right that in 2016, the Scottish Government said, “We campaigned for remain. We did not want to leave the European Union,” but we realised very early on that because of the democratic deficit that exists in this House, we had to compromise. That is why “Scotland’s Place in Europe” looked at membership of the single market and the customs union. We compromised in 2016 when it was very, very unpopular to do so. There has been a process of evolution: we have gone from that compromise to what I accept is a very hard-nosed reality, where the only thing that we can do to protect our economy is to revoke article 50. Does he not agree, however, that it might just have helped things in 2016 if that spirit of compromise had evolved a bit sooner in this place and that we might not have found ourselves, three or four days after the scheduled exit, debating a statutory instrument that could have profound consequences, depending on what happens over the next few days?

**Kevin Foster:** I thank the hon. Gentleman for his comments. We can all look back over the past three years and suggest that there were things that we might have done differently or changed.

“If? What? Could?” is great fun to play—hindsight has 20/20 vision—but the other 27 member states have their own red lines. The idea that if I or the hon. Gentleman had walked in as the UK Prime Minister, everyone would have said, “Ah, it’s you! What can we do for you? Let’s offer you a great deal” is for the birds. The other member states would still have had their own red lines.

As I said, the only things for which a negotiated deal is not necessary are a complete no deal and revoking and remaining—the latter for obvious reasons—but if we want a negotiated deal, we need the prism of a withdrawal agreement. There is a strong argument for saying that even if we did go down the no-deal route, we

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would find at some stage that if we wanted a free trade agreement, the first three items on the EU's agenda would be: clarifying citizens' rights, which is not particularly controversial across the House; a financial settlement—that might be where a debate comes in; and arrangements to keep the land border in Northern Ireland open. Whether under a withdrawal agreement now or a free trade agreement in the future, those three issues will almost certainly be the basis of any agreement, no matter which of the panoply of Brexit ideas we have been treated to over the last year or two the House, and ultimately the country, decides upon. Once the divorce process is complete, the second phase of negotiations and decision making in the House remain.

Great though it would be to settle Brexit this afternoon, it is time that I return to the substance of the SI: the geo-blocking regulation. [Interruption.] I hear shouts of joy from the shadow Front Bench. Geo-blocking sounds like something to do with a map—a rambler might find their geo-signal being blocked—but it is actually one part of making sure we have a single market online as we do for physical goods. Those of us who grew up in the late 1980s—I am not sure if my hon. Friend the Member for Solihull (Julian Knight) is old enough, and I am certain the Minister is not—will remember the debate about how much a particular CD or tape cost in the UK, the United States, Canada, Germany and other countries. Nine times out of 10 a CD produced in the same factory, with the same copyright and by the same company would be more expensive in certain countries—that excludes differing VAT rates, of course, because that could change the price in the shop; I am talking about the base cost excluding taxes.

The regulation tried to prevent different prices in different markets arising from differing charging and supply. Those of us who studied European law will know that the Commission tried to eliminate this grey market idea of trying to restrict or increase prices in particular markets across the EU single market—a single market that we will remain a part of during the implementation period, if the withdrawal agreement goes through. The regulation was about making sure the consumers had the full opportunities. Such regulations make a difference. It is eminently sensible that we revoke the regulation—I agree with the Minister's reasoning, and, as I have said, it would be bizarre if British businesses were under an obligation that EU businesses were not but which EU businesses could enforce against us under our law—but having in place some other appropriate measure would make a difference.

I hope therefore that we could consider that in future trade agreements—and not just with the EU. I have just given the example of the US. With increasing online commerce and trading, we should look to open up to other jurisdictions that use the English language and have similar commercial standards, consumer protections and quality standards. Under future trade agreements, we should look to ensure that businesses large and small that are buying stuff in across our borders can benefit from free trade arrangements.

**Simon Hoare** (North Dorset) (Con) *rose*—

**Kevin Foster:** I will give way in a moment.

We want to be able to benefit from a single market online, given that it does not matter if someone buys from Tewkesbury or Texas—or North Dorset, for that matter—if they are sitting at their computer, and as long as the delivery charges are there. It is about that principle of giving consumers access to be best prices possible.

**Simon Hoare:** My hon. Friend mentioned the English language. Does he share my concern that we often forget that it is a key part of our armoury? It is the international language. It is the language of the internet and the language of the skies, and it is now the lingua franca of the world. We should never forget that it is one of our great tools of soft power.

**Kevin Foster:** I hope that my hon. Friend will forgive me for turning my back on him while responding to his intervention. I need to address the House, rather than face him directly.

The English language is indeed one of our great tools. When we look at any regulations relating to online businesses, we should bear in mind that the base code of computers is effectively English, because of the history of computer developments between us and the United States. The first computer, as such, was of course developed here, following the amazing theoretical work done by Alan Turing, who, sadly, was treated abysmally by this nation after the second world war in connection with matters that were never a crime. He came up with the revolutionary 01, and set the philosophical basis that would result in the very trading systems that these regulations seek to address.

This is one of our key goals. It is important that we have an effective and competent system of law relating to online transactions, because if we do not we will lose one of our biggest opportunities. My hon. Friend touched on that. Many people go online and happily access information, services and opportunities. They are able to compare prices in a way that would not have been possible before the internet era, because English is pretty much common currency on many internet platforms—although, given that the regulations relate to online shopping opportunities, it is worth noting that people can now interact with the vast majority of online retailers in the language of their choice. There are also the well-known providers' translation services that we can now use. I used to have a bit of fun when a former Wales Minister texted to ask if I was here: I would reply in Welsh, courtesy of Google Translate.

I will move on, because I know that other Members wish to speak, and that the debate is time-limited. Some other issues on which the Minister may wish to reflect when she sums up relate to Ireland. We have had a great many discussions about the backstop and how we can keep the Northern Ireland land border open, but in these unique circumstances, someone purchasing online in, for example, County Fermanagh can be only a couple of miles away from the online business—or the business behind the online entity—which is based in, for example, County Donegal. There would of course be a different boundary, particularly in the no-deal scenario for which this measure is intended, and I should like to know how we can ensure that some sort of interaction remains. I think it is safe to say that it would be rather controversial if we did not give clear access to Irish websites.

That, in fact, makes eminent sense. There are businesses, cultural links, and supply chains and delivery networks that work across the border. One road crosses the border 15 times in two miles. If something that I had ordered online was being delivered using that road, the farmhouse involved might be in the United Kingdom and the hay barn in the Irish Republic. We need regulations that could deal with the unique situation near the Irish land border.

The Minister rightly referred to the consent of the Scottish Parliament and the Welsh Assembly, but Northern Ireland is beset by the fact its Assembly is not up and running and doing what those elected by the people of Northern Ireland should be doing. Although it is right that we are moving to ensure that Northern Ireland's statute book is in order for a no-deal Brexit, it would be interesting to know what thought has been given to this aspect, given that the Northern Ireland Assembly is not working and that, sadly, it is unlikely to be up and running in the next couple of months, when we may see a no-deal exit. What thought is being given at Westminster to ensuring that there is appropriate legislation to cover online shopping and, bluntly, to ensure that legislation requires fairness between websites and fairness in online shopping between the Irish Republic and Northern Ireland?

**Julian Knight:** It is really interesting to focus on Northern Ireland in this. Does my hon. Friend agree that it would be perverse if there were such barriers in the way, given that many of the major internet retailers are domiciled in the Republic of Ireland for tax reasons?

**Kevin Foster:** I thank my hon. Friend for his, as always, thoughtful intervention. I suspect many of us would not particularly want to rush to help them, shall we say, pay a lower rate of tax in the Irish Republic. During my time on the Public Accounts Committee, I had the joy of discovering that a “double Irish” was nothing to do with a whiskey order and a “Dutch sandwich” was not something I would eat with it—in terms of tax avoidance work.

For me, this is a question of how we can sensibly reflect in legislation the unique position on the island of Ireland. The current geo-blocking regulation provides protection, and there is reciprocity between the two jurisdictions, to ensure that each side's shopping outlets and businesses may trade without discrimination. The purpose of the new regulations is to prevent the establishment of an operation that charges a different price—as in my CD example—or that blocks a customer living in a particular country from buying, or applies different terms and conditions to their transaction. It is worth noting, however, that there are some exemptions around items that are not permitted for sale. For example, in Germany and Austria there are strict denazification laws to prevent the sale of certain historical items. In addition, an item such as a toy train set from the era, if sold to the German or Austrian market, must not carry certain symbols from the disastrous Nazi regime that devastated those countries in the 1940s, along with most of western Europe. So there are some tweaks that rightly reflect the law in those nations, but in general the purpose of the regulations is to prevent unfairness.

I return to the point I was making earlier. For me, the regulations are about ensuring that the system in Ireland allows trade across the whole island of Ireland, where we would want to see that type of system in place, not

just for sensible economic reasons but in view of the ongoing peace process—ensuring that the single market online across the whole of Ireland may continue. It would be bizarre if we agreed a workable set of alternative arrangements that released the backstop in years to come, but put a barrier around the sale of goods online.

In services, we may well look to move on—change our position to exploit our huge advantage, particularly in financial services, across the world, with trade deals. I am particularly excited at the prospect of a trade deal with the parties to the requests for a comprehensive agreement, the Trans-Pacific Partnership; there is very strong demand there. Given that we are revoking the current arrangement with the European Union on the basis of a potential no deal, I hope the Minister is considering how, if we do not have no deal, we could look at the type of regulation that might be of benefit and might allow insurance products and so on to be continued.

I am conscious that I have been speaking for a little while. I reassure hon. Members that I do not intend to break one of my records for length of contribution. I recognise that the Scottish National party spokesperson, the hon. Member for Inverness, Nairn, Badenoch and Strathspey (Drew Hendry), wants to speak; I have no intention of talking him out.

There are a few reasons why we need to look at approving the regulations today. I am very much a fan of free trade. It brings down barriers, interlocking economies. Let us be candid—the reason that the European Coal and Steel Community was established was to interlink economies, and the geo-blocking regulations are part of doing online just what we did with coal and steel back in the 1950s. The idea then was that if the German steelworks were dependent on French coal, there would obviously be an issue if a conflict broke out. The theory was that creating a single market and having these types of regulations would ensure that that continued online and that consumers would benefit. They could buy from the best source in the cheapest and most efficient way, or perhaps in the way that provided the best quality, rather than finding themselves blocked out because of price differentials in the markets. In many ways, that might be a slightly unfair practice. I have used the example of CDs. Why should a CD cost more than others produced in the same factory—taking out distribution costs that are very similar—just because it happens to be sold in a different place? It often becomes clear that this is being done to milk consumers where choices are more limited.

This statutory instrument is necessary, but it is sad that it is necessary. Those who keep saying that they do not want no deal also seem not to want many of the deals that are on offer, or seem to want to propose a deal that is reliant on something that they keep voting against. That is not a logical position, but this statutory instrument represents a logical position. It would be absolute nonsense to impose a burden on British companies that is not shared by the other countries in the European Union. It would be bizarre, for example, if I had to comply with legislation ensuring that my website and online shopping offer were open across 27 countries when businesses in those countries were no longer obliged to do that.

It is right that we should pass this measure today and ensure that it becomes law, so that we have an orderly statute book, but there is a better option. Rather than



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saying, “I don’t like no-deal SIs because I don’t like no deal”, people should come up with a clear alternative that does not require the withdrawal agreement—*[Interruption.]* I hear the usual cheer from the Scottish National party Benches. SNP Members would like to revoke article 50 because they see that as the way round this, and they are correct in the sense that we would not need the withdrawal agreement. Members can be consistent in voting against the withdrawal agreement while saying that they do not want no deal if the outcome would be no Brexit, but they cannot keep turning up in the Chamber each day for a groundhog day debate and saying that the Prime Minister should do everything in her power to avoid no deal if they will not do the one thing in their power to prevent no deal, which is to walk through the Aye Lobby the next time the withdrawal agreement is put to the vote.

I will support this statutory instrument because in the end I would be prepared to accept no deal rather than no Brexit. However, I hope that in the very near future we will get an agreement through the House that provides the basis for a future relationship that makes sense and can be taken forward.

3.53 pm

**Drew Hendry** (Inverness, Nairn, Badenoch and Strathspey) (SNP): It is a pleasure to follow the hon. Member for Torbay (Kevin Foster). I actually agree with a large percentage of his very detailed contribution, particularly in relation to some of the protections that are going to be lost. Before I get started on the substance of my speech, may I draw the House’s attention to my entry in the Register of Members’ Financial Interests and my shareholding in the digital marketing company, Teclan?

I am amazed at how blasé those on the Government and Labour Front Benches have been about this statutory instrument. It is one of the instruments that will directly affect consumers and business owners across the nations of the UK almost immediately. Geo-blocking legislation is there for a purpose: to ensure that there is fairness for companies. Instituting this SI without any other provisions causes unfairness anyway: having it in place is unfair, and removing it is unfair too. It is one of those consequences of Brexit that highlights the foolishness of this whole process. There is a way to avoid the SI and a hard Brexit. We need to understand that Westminster has failed to make any kind of decision, that we should revoke article 50 and that we should get to the point where we can bring the choice to the people, with the option to remain.

Returning to the substance of the measure, the EU have introduced geo-blocking—we were in partnership on the legislation—to balance the growth of online platforms, with a need to protect small and medium enterprises and consumers. It focuses on transparency and new options for redress. In short, it treats EU citizens—currently us—and other end users in the same manner. It does not take account of nationality, place of residence or the place of establishment. The European Union’s “Notice to stakeholders: withdrawal of the United Kingdom and EU legislation in the field of geo-blocking” says that from the date of application the regulation

“prohibits discrimination based on customers’ nationality, place of residence or place of establishment, including unjustified geo-blocking, in certain cross-border transactions between a trader

and a customer in relation to the sales of goods and the provision of services within the EU. In particular, it provides for the following measures protecting customers: ban of discriminatory blocking or limiting customers’ access to traders’ online interfaces (e.g. a website) and redirecting them to another online interface without the customer’s prior consent”.

That is the simple right for someone to get what they are looking for. The regulation imposes a prohibition on

traders to apply, in certain defined situations, on a discriminatory basis different conditions of access for customers to goods and services...informally known as “shop like a local”

across the EU. The regulation provides for

“non-discrimination for reasons related to payment. As of the withdrawal date, natural persons residing in the United Kingdom (unless they have a nationality of a Member State) or undertakings established in the United Kingdom will not be able to benefit from Regulation (EU) 2018/302”.

There are no undertakings established by the UK Government, so there is a direct inequity.

The notice says that

“such persons or undertakings who wish to access websites in the EU will not benefit from the aforementioned ban related to access to traders’ online interfaces. This means that a trader could block, limit or redirect those customers to specific versions of his/her website which might be different from the one that the customers initially sought to access.”

Again, that is a clear removal of a right that we currently enjoy. The notice says that

“such persons or undertakings will not have the guarantee to be able to ‘shop like a local’ in the EU in the situations covered by Article 4 of the Regulation, including benefitting from the same prices and conditions relating to the delivery of goods and services as the locals (i.e. the customers of the trader’s home Member State). For example, the off-line and on-line sales of goods and services, such as goods delivered or picked up in the EU territory, tickets for sports events or amusement parks in Member States, and the sale of electronically supplied services, such as hosting services, are areas where those customers will be affected...such persons or undertakings using payment means from the United Kingdom will not be protected against traders applying different conditions for a payment transaction from the ones offered to EU customers, or refused to complete the purchase for reasons related to payment, when (wanting to) pay electronically for goods or services.”

The notice goes on to list the rights that we will lose as a result of not being able to participate in the legislation on geo-blocking.

**David Linden:** I am grateful to my hon. Friend and Romanian knight for giving way. He has outlined some of the dangers involved in pursuing this Brexit nonsense. Does he agree that none of this was written on the side of a bus, whether in Inverness or anywhere else in the United Kingdom? The only thing we can do now is revoke article 50 and stop this madness.

**Drew Hendry:** My hon. Friend is right that that is the only way out of the hole being dug by the infighting in the Tory party, which is trying to settle a dispute that has lasted decades. This ham-fisted approach has left us in this guddle of Brexit and has put people in their homes at risk of losing out, of paying more and of being ripped off because we are losing these protections.

The regulations, as they stand, ban the blocking of access to websites and ban rerouting without a user’s consent, and they end payment discrimination through the revised payment services directive. People across the nations of the UK use online marketplaces such as

eBay and Amazon on a daily basis. I would be surprised if there is a Member in this Chamber who has not received a parcel from one of those companies, and certainly all our constituents, bar a very few, will have received something from these online marketplaces. Both third party traders and the marketplace itself are subject to these regulations. That means loopholes will now open that allow people to exploit consumers across the nations of the UK. These regulations are about treating customers in the same way across the EU, and the regulations are enforced so that people are not affected in that way.

The Minister said in her opening remarks that the regulations cannot be replicated. She said very directly that the regulations are impossible to replicate or replace, but is not the truth of the matter that there is no interest in doing so? The Government are hellbent on trying to persuade their own Members and the rest of the House to support a deal that nobody wants to support, and they are avoiding responsibility for doing anything that would protect the people who will be affected by this nonsensical situation.

That abdication is leaving loopholes all over the place. Citizens are losing their rights and, as my hon. Friend the Member for Glasgow East (David Linden) said, any promises to make that up are about as good as a Brexit handout or what is written on the side of a bus. There is nothing here that will give comfort to any of our consumers or small and medium-sized enterprises—the ones who are most likely to be directly affected by the removal of this legislation.

Based on these regulations, from 2019 the Commission will publish certain tariffs for parcel delivery services on a website so that consumers and e-retailers can easily compare domestic and cross-border tariffs between member states and between providers. The website will highlight the highest tariffs to encourage consumers and small e-retailers to look for a better deal, and national regulatory authorities will be required to assess certain tariffs that seem unreasonably high. Regulatory oversight of the growing number of parcel delivery service providers will also be increased.

I mention that because Scotland already suffers from geo-blocking under this Westminster system. I have lost count of the number of times I and other Members with rural communities have brought up the postcode discrimination in both online and distance-selling deliveries to Scotland. Some £33 million a year of unfair surcharges are paid in Scotland for deliveries. Citizens Advice Scotland says this particularly affects consumers in Scotland, with 1 million Scottish residents paying, on average, an extra £19 for deliveries. Some 72% of the extra charges for deliveries directly affect Scotland. This is a long-standing discrimination, and the removal of these regulations, which protect people, can only make matters worse, particularly for people living in rural communities.

When I say “rural communities,” believe it or not, I am talking about cities in Scotland. I am talking about areas of high population density because, as I say, we suffer postcode discrimination. For example, a constituent of mine was asked to pay an extra £90 to have a mobile phone delivered to Nairn. These protections are not being delivered by the UK Government now, so what hope do we have with this regulation disappearing? I have another good example of where the EU has been

able to protect internally. A crash helmet can be delivered from London to Inverness for a £29 charge. The same item could be delivered from London to Croatia or Estonia for £9.99.

I fear that others across the nations of the UK will begin to experience some of the discrimination that we in Scotland have seen over a number of years, and not just in the highlands and islands but in the borders and across large parts of mainland Scotland, because they too will now be subject to these inequities, as other Members have admitted today in their contributions. It is a reprehensible situation.

This statutory instrument brings forward no replacement protections. It does not even address the issue. It is predicated solely on getting through the Prime Minister’s dodgy, duff, dead-duck deal. That is the sole reason for bringing this through without any attention to detail. More rights are being sacrificed on the altar of Brexit. This Government must now put this and the postcode injustices right, especially for Scotland but also to protect others across the nations of the UK who will now be affected. They should do the sensible thing and agree that it is a disaster, as the removal of this regulation shows that there is no good no-deal Brexit; it is just a calamity that should be ruled out. They should then revoke article 50 until we get an opportunity to take this back to the public and give them the choice of whether to remain in the EU, with all the protections they currently enjoy, before those are sacrificed for this wonky ambition of the infighting in the Tory party.

Of course, there is one absolutely guaranteed way for the people of Scotland to enjoy these vital European protections so that we will no longer suffer from geo-blocking, and that is for Scotland to take its place as a fully independent country in the European Union.

4.7 pm

**Kelly Tolhurst:** I thank all hon. Members who have contributed to the debate. Just to recap, the geo-blocking regulation is an EU regulation that came into effect on 3 December 2018. It is important to note that, up to the end of February, no claims had come forward to the Competition and Markets Authority. It does not apply to transactions that take place entirely within one EU member state.

The geo-blocking regulation prohibits certain forms of discrimination in the single market, specifically: blocking access to, or forced redirection away from, a website on the basis of an internet user’s location in the EU; discriminatory terms of access, which include but are not limited to price offered, on the basis of a customer’s location in the EU when selling goods delivered across a border but still within the EU, wholly online services, excluding copyright materials such as e-books, streamed movies, music and video games, or services delivered in a specific location, such as hotels and theme parks; discrimination in payment terms on the basis of a customer’s location.

The geo-blocking regulation could not function properly on a unilateral basis in a no-deal scenario. Effective enforcement outside the UK would be very difficult, because the UK would no longer operate within the EU’s consumer protection co-operation network or enforcement agencies. EU regulators would no longer be obliged to bring actions against businesses through

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EU mechanisms for cross-border co-operation. UK civil and commercial judgments, which were alluded to in the debate, would no longer be automatically enforced in the EU member state's court, and the UK Government cannot unilaterally enforce the geo-blocking regulations throughout the EU without help from regulators in other member states.

Even if the geo-blocking regulations were not revoked, a no-deal exit from the EU would lead to a loss of protection for UK customers while imposing the same level of obligation for UK traders. The provisions of the geo-blocking regulation do not apply to transactions that occur solely within one country, so there is no benefit to retaining the version of the regulation that applies to the UK.

Let me outline the concerns relating to not revoking the EU regulation. EU consumers would receive preferential treatment in respect of UK traders, while UK consumers would be unlikely to receive any reciprocal benefits from EU traders. That is why we are proposing the revocation of the regulation. Revoking will preserve UK rights. It will not strip consumer rights, which will be lost in the event of a no-deal Brexit, but the regulation would continue to impose obligations on UK traders, with no benefits for UK consumers.

Let me answer some of the shadow Minister's questions. He is concerned about the effect of this statutory instrument in a no-deal situation. I say to him: please support the Prime Minister's withdrawal agreement. We have been extremely clear that we would like to uphold and maintain the highest standards of consumer protection in the UK. If we agree to the Prime Minister's withdrawal agreement, we will be able to satisfy our ambition as a Government to maintain high consumer protections and to be able to enter into agreements and negotiations with the European Union so that we can maintain cross-border co-operation. That is what I would very much like to do. We should not only engage in the mutual exchange of information and evidence but work on a framework so that we can work collectively with the European Union on the wider detriment to consumers.

The shadow Minister asked about the impact assessment. He has rightly expressed concerns about impact assessments throughout the no-deal SI process. I have on many occasions tried to explain to him the reasoning behind what the Government have been doing in relation to some of these SIs. On this particular SI, we assessed the impact of the instrument to be de minimis because the costs are below £5 million. As the shadow Minister will know, that means that, in line with the better regulation framework, we did not need to carry out a full impact assessment. The assessment was that the maximum impact could be £1.2 million, based on around 75,000 businesses having to familiarise themselves with the new rules.

The shadow Minister also asked about consultation. On bringing forward this regulation, he wanted to know who we had spoken to and who we had engaged with. As he alluded to, we have consulted and spoken to business representative organisations, including the CBI, the Federation of Small Businesses, the British Retail Consortium, and the Association for UK Interactive Entertainment. The feedback was that they had no strong views on these regulations. However, we did

publish a technical notice on 12 October 2018, which clearly laid out our plans for geo-blocking in the event of a no deal.

Let me re-emphasise a point. We have heard a lot today about a potential loss of rights for consumers. I have always been clear in any Committee in which I have spoken on bringing forward no-deal legislation that, whatever the outcome, we are both prepared for and committed to delivering on the high standard of consumer protections that we already have in the UK. We also have a track record of consumer protection in this country and of going above and beyond; in fact, many of the consumer protections in this country go further than those of the European Union.

**Drew Hendry:** The Minister says that this Government go further than many others. Can she therefore address the conundrum that I raised earlier: why are consumers in Scotland paying so much more for delivery, but being treated so badly compared with other consumers? Why is that still happening if what she is saying is a fact?

**Kelly Tolhurst:** I was going to come on to that, but I thank the hon. Gentleman for raising it. He and many of his colleagues—as well as many of my hon. Friends—have raised the issue of Scotland's surcharges for parcel delivery. He will know that I have been working with the Consumer Protection Partnership to see how we can ensure fairness across the British Isles, but I must remind the House that we are talking about individual parcel organisations—as opposed to the Royal Mail—using these surcharges. However, it is true that many organisations are unable to use Royal Mail to distribute their products throughout the country. I remain committed to working with colleagues across the House to resolve this issue and to enable fairness for consumers right across the UK. He is right to raise it and I do take his point.

I just want to return to the point that I was making about consumers. If we want to make sure that we are able to enter into good agreements in terms of cross-border participation and consumer protection and to work with the European Union, my view is—and I will be clear about this—that we should vote for the withdrawal agreement. [Interruption.] Hon. Members reject a no-deal Brexit, but they are not prepared to support something that is on the table that would enable us immediately to have those conversations—

**David Linden** *rose*—

**Kelly Tolhurst:** I will give way to the hon. Gentleman.

**David Linden:** When might we have the opportunity to vote for the withdrawal agreement again?

**Kelly Tolhurst:** Well, I hope that the hon. Gentleman is asking me that question because he wants to support me and my colleagues on the Government Benches. It is quite right that any responsible Government would prepare for a no deal, and that is exactly what we are doing. I must remind colleagues that this regulation came into force in December last year, and, where we have had to enforce it, there have not, as yet, been any complaints.

**Bill Esterson:** The hon. Lady demonstrates that she and I are in agreement about the benefits of geo-blocking and the current arrangements that we have as members



of the EU. This regulation is about no-deal preparation, and we will lose those benefits if we leave with no deal. Perhaps she can tell the House what preparations she and her Department have made to ensure that, if we do manage to avoid no deal, there is a mutual recognition agreement that keeps these provisions in place.

**Kelly Tolhurst:** The hon. Gentleman's question suggests that he is considering supporting the withdrawal agreement, because he is asking me about the preparations that we have made in the event of that happening. We have been quite clear that we have to agree the withdrawal agreement. As we have said in our technical notices, and as I have said in many SI Committees, we will be working with our neighbours to ensure that we are able to enter into mutual co-operation agreements if the withdrawal agreement is passed.

**Bill Wiggin** (North Herefordshire) (Con): As the Minister was speaking, I was mulling over the point made by SNP Members about the greater charges for having things delivered to Scotland. I can understand their point; it does seem a little unfair. But has the Department had a chance to do the maths? Is it not clear that my constituents, who are contributing to the Barnett formula, are actually paying more than the people who are receiving goodies from Amazon, eBay or any of the other excellent retailers?

**Kelly Tolhurst:** I thank my hon. Friend for highlighting that particular point. I have made it clear that we need to get into a situation whereby we can enter into close co-operation on consumer enforcement. What happens on geo-blocking will depend on whether we leave the European Union with a deal, but we are here today to talk about a no-deal SI.

The hon. Member for Inverness, Nairn, Badenoch and Strathspey (Drew Hendry) has disappointed me by saying that he will not support the SI this afternoon. As I have outlined today, the very act of leaving the European Union without a deal would make the EU regulation redundant. It would be perverse for us to keep a regulation that would put UK traders at a disadvantage compared with EU traders.

**Patricia Gibson** (North Ayrshire and Arran) (SNP): The Minister is talking about not disadvantaging UK consumers, which is a very laudable aim; that is what we all want. Does that mean that she will align with the European Union when it brings in a standard minimum expiration period of five years for gift cards?

**Kelly Tolhurst:** I remind the hon. Lady that we are already going above and beyond what the European Union is doing on many consumer protection matters. The UK is working on further protections. We will always be mindful of what is coming from the European Union, and we will always be minded to go further. I will ensure that UK consumers are protected as far as possible, and I will be looking into strengthening many measures in the near future.

**Patricia Gibson:** The Minister is being very generous with her time. Can I take from what she has just said that she is indeed going to bring in a five-year statutory

expiration time for all gift cards? I have been urging her to do so and I have not quite had a yes. Has she given me a yes today?

**Kelly Tolhurst:** The hon. Lady will know that we are discussing an SI related to geo-blocking, not gift cards, but I am happy to talk to her about gift cards and to make her aware when we decide to move forward with any changes or improvements in that area. I assure her that I am absolutely committed to protecting consumers in this country, and this Government will be working hard to ensure that we do that whether or not we get a deal.

This statutory instrument simply recognises the practical effect of a no-deal exit from the EU, and it is important for ensuring that UK traders are not unfairly subjected to any rules. I am therefore disappointed with the hon. Member for Inverness, Nairn, Badenoch and Strathspey for saying that he will not support the draft regulations this afternoon. Failure to revoke the geo-blocking regulation would not preserve UK customers' consumer rights, which would effectively be lost if the UK leaves the EU without a deal. The only effect of non-revocation would be to continue to impose obligations on UK traders while providing no benefits to UK customers. I therefore commend the draft regulations to the House.

*Question put.*

*The House proceeded to a Division.*

**Madam Deputy Speaker (Dame Rosie Winterton):** I ask the Serjeant at Arms to investigate the delay in the Aye Lobby.

*The House having divided: Ayes 277, Noes 41.*

**Division No. 401]**

**[4.26 pm**

**AYES**

|                       |                             |
|-----------------------|-----------------------------|
| Adams, Nigel          | Burghart, Alex              |
| Afolami, Bim          | Burns, Conor                |
| Afryjie, Adam         | Burt, rh Alistair           |
| Aldous, Peter         | Campbell, Mr Gregory        |
| Allan, Lucy           | Cartlidge, James            |
| Amess, Sir David      | Cash, Sir William           |
| Andrew, Stuart        | Caulfield, Maria            |
| Argar, Edward         | Chalk, Alex                 |
| Atkins, Victoria      | Chishty, Rehman             |
| Bacon, Mr Richard     | Chope, Sir Christopher      |
| Badenoch, Mrs Kemi    | Churchill, Jo               |
| Baker, Mr Steve       | Clark, Colin                |
| Baldwin, Harriett     | Clarke, rh Mr Kenneth       |
| Bebb, Guto            | Clarke, Mr Simon            |
| Bellingham, Sir Henry | Cleverly, James             |
| Benyon, rh Richard    | Clifton-Brown, Sir Geoffrey |
| Beresford, Sir Paul   | Coffey, Dr Thérèse          |
| Berry, Jake           | Collins, Damian             |
| Blackman, Bob         | Costa, Alberto              |
| Blunt, Crispin        | Courts, Robert              |
| Bone, Mr Peter        | Crabb, rh Stephen           |
| Bottomley, Sir Peter  | Crouch, Tracey              |
| Brady, Sir Graham     | Davies, Chris               |
| Braverman, Suella     | Davies, David T. C.         |
| Brereton, Jack        | Davies, Mims                |
| Bridgen, Andrew       | Davis, rh Mr David          |
| Brine, Steve          | Dinenage, Caroline          |
| Bruce, Fiona          | Djanogly, Mr Jonathan       |
| Buckland, Robert      | Docherty, Leo               |

Dodds, rh Nigel  
 Donaldson, rh Sir Jeffrey M.  
 Donelan, Michelle  
 Dorries, Ms Nadine  
 Double, Steve  
 Dowden, Oliver  
 Doyle-Price, Jackie  
 Drax, Richard  
 Duddridge, James  
 Duguid, David  
 Duncan, rh Sir Alan  
 Duncan Smith, rh Mr Iain  
 Dunne, rh Mr Philip  
 Ellis, Michael  
 Ellwood, rh Mr Tobias  
 Elphicke, Charlie  
 Eustice, George  
 Evans, Mr Nigel  
 Evennett, rh Sir David  
 Fabricant, Michael  
 Fallon, rh Sir Michael  
 Field, rh Mark  
 Ford, Vicky  
 Foster, Kevin  
 Francois, rh Mr Mark  
 Frazer, Lucy  
 Freeman, George  
 Freer, Mike  
 Fysh, Mr Marcus  
 Gale, rh Sir Roger  
 Garnier, Mark  
 Ghani, Ms Nusrat  
 Gibb, rh Nick  
 Gillan, rh Dame Cheryl  
 Girvan, Paul  
 Glen, John  
 Goldsmith, Zac  
 Goodwill, rh Mr Robert  
 Graham, Luke  
 Graham, Richard  
 Grant, Bill  
 Grant, Mrs Helen  
 Gray, James  
 Green, Chris  
 Green, rh Damian  
 Greening, rh Justine  
 Grieve, rh Mr Dominic  
 Gyimah, Mr Sam  
 Hair, Kirstene  
 Halfon, rh Robert  
 Hall, Luke  
 Hammond, Stephen  
 Hands, rh Greg  
 Harper, rh Mr Mark  
 Harrington, Richard  
 Harris, Rebecca  
 Harrison, Trudy  
 Hart, Simon  
 Heald, rh Sir Oliver  
 Heapey, James  
 Heaton-Harris, Chris  
 Heaton-Jones, Peter  
 Henderson, Gordon  
 Herbert, rh Nick  
 Hermon, Lady  
 Hoare, Simon  
 Hollingbery, George  
 Hollinrake, Kevin  
 Hollobone, Mr Philip  
 Holloway, Adam  
 Howell, John  
 Huddleston, Nigel

Hughes, Eddie  
 Hurd, rh Mr Nick  
 Jack, Mr Alister  
 James, Margot  
 Jayawardena, Mr Ranil  
 Jenkin, Sir Bernard  
 Jenkyns, Andrea  
 Jenrick, Robert  
 Johnson, rh Boris  
 Johnson, Dr Caroline  
 Johnson, Gareth  
 Johnson, Joseph  
 Jones, Andrew  
 Jones, rh Mr David  
 Jones, Mr Marcus  
 Keegan, Gillian  
 Kerr, Stephen  
 Knight, rh Sir Greg  
 Knight, Julian  
 Kwarteng, Kwasi  
 Lamont, John  
 Lancaster, rh Mark  
 Latham, Mrs Pauline  
 Lee, Dr Phillip  
 Lefroy, Jeremy  
 Leigh, rh Sir Edward  
 Letwin, rh Sir Oliver  
 Lewer, Andrew  
 Lewis, rh Dr Julian  
 Liddell-Grainger, Mr Ian  
 Little Pengelly, Emma  
 Lopez, Julia  
 Lopresti, Jack  
 Loughton, Tim  
 Mackinlay, Craig  
 Maclean, Rachel  
 Main, Mrs Anne  
 Mak, Alan  
 Malthouse, Kit  
 Mann, Scott  
 Masterton, Paul  
 McLoughlin, rh Sir Patrick  
 McPartland, Stephen  
 McVey, rh Ms Esther  
 Menzies, Mark  
 Mercer, Johnny  
 Metcalfe, Stephen  
 Miller, rh Mrs Maria  
 Milling, Amanda  
 Mills, Nigel  
 Milton, rh Anne  
 Mitchell, rh Mr Andrew  
 Moore, Damien  
 Morgan, rh Nicky  
 Morris, Anne Marie  
 Morris, David  
 Morris, James  
 Murray, Mrs Sheryll  
 Murrison, Dr Andrew  
 Neill, Robert  
 Newton, Sarah  
 Norman, Jesse  
 O'Brien, Neil  
 Offord, Dr Matthew  
 Opperman, Guy  
 Parish, Neil  
 Patel, rh Priti  
 Paterson, rh Mr Owen  
 Pawsey, Mark  
 Penning, rh Sir Mike  
 Penrose, John  
 Percy, Andrew

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, Gavin  
 Robinson, Mary  
 Ross, Douglas  
 Rowley, Lee  
 Rutley, David  
 Sandbach, Antoinette  
 Scully, Paul  
 Seely, Mr Bob  
 Selous, Andrew  
 Shannon, Jim  
 Shapps, rh Grant  
 Sharma, Alok  
 Shelbrooke, Alec  
 Lewer, Andrew  
 Simpson, David  
 Simpson, rh Mr Keith  
 Skidmore, Chris  
 Smith, Chloe  
 Smith, Henry  
 Smith, Royston  
 Soames, rh Sir Nicholas  
 Spelman, rh Dame Caroline  
 Spencer, Mark  
 Stephenson, Andrew  
 Stevenson, John  
 Stewart, Bob  
 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  
 Trevelyan, Anne-Marie  
 Tugendhat, Tom  
 Vaizey, rh Mr Edward  
 Vara, Mr Shailesh  
 Villiers, rh Theresa  
 Walker, Mr Charles  
 Walker, Mr Robin  
 Wallace, rh Mr Ben  
 Warman, Matt  
 Watling, Giles  
 Whately, Helen  
 Wheeler, Mrs Heather  
 Whittaker, Craig  
 Whittingdale, rh Mr John  
 Wiggin, Bill  
 Wilson, rh Sammy  
 Wood, Mike  
 Woodcock, John  
 Wragg, Mr William  
 Zahawi, Nadhim

**Tellers for the Ayes:**  
**Iain Stewart and**  
**Wendy Morton**

**NOES**

Bardell, Hannah  
 Black, Mhairi  
 Blackford, rh Ian  
 Blackman, Kirsty  
 Brake, rh Tom  
 Brock, Deidre  
 Brown, Alan  
 Cable, rh Sir Vince  
 Cameron, Dr Lisa  
 Carmichael, rh Mr Alistair  
 Chapman, Douglas  
 Cherry, Joanna  
 Cowan, Ronnie  
 Crawley, Angela  
 Day, Martyn  
 Docherty-Hughes, Martin  
 Edwards, Jonathan  
 Farron, Tim  
 Gethins, Stephen  
 Gibson, Patricia  
 Grant, Peter  
 Gray, Neil  
 Hendry, Drew

Hobhouse, Wera  
 Jardine, Christine  
 Lake, Ben  
 Law, Chris  
 Linden, David  
 Mc Nally, John  
 McDonald, Stuart C.  
 Moran, Layla  
 Newlands, Gavin  
 O'Hara, Brendan  
 Saville Roberts, rh Liz  
 Sheppard, Tommy  
 Stephens, Chris  
 Stone, Jamie  
 Thewliss, Alison  
 Whitford, Dr Philippa  
 Williams, Hywel  
 Wishart, Pete

**Tellers for the Noes:**  
**Patrick Grady and**  
**Marion Fellows**

*Question accordingly agreed to.*

*Resolved,*

That the draft Geo-Blocking Regulation (Revocation) (EU Exit) Regulations 2019, which were laid before this House on 14 March, be approved.

## Business without Debate

### DELEGATED LEGISLATION

**Madam Deputy Speaker (Dame Rosie Winterton):** With the leave of the House, we shall take motions 6 to 10 together.

*Motion made, and Question put forthwith (Standing Order No. 118(6)),*

#### EXITING THE EUROPEAN UNION (PROTECTION OF TRADING INTERESTS)

That the draft Protecting against the Effects of Extraterritorial Application of Third Country Legislation (Amendment) (EU Exit) Regulations 2019, which were laid before this House on 7 March, be approved.

#### CONSTITUTIONAL LAW

That the draft Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2019, which was laid before this House on 25 February, be approved.

#### EXITING THE EUROPEAN UNION (ENVIRONMENTAL PROTECTION)

That the draft Heavy Duty Vehicles (Emissions and Fuel Consumption) (Amendment) (EU Exit) Regulations 2019, which were laid before this House on 26 February, be approved.

#### EXITING THE EUROPEAN UNION (ANIMALS)

That the draft Cat and Dog Fur (Control of Import, Export and Placing on the Market) (Amendment) (EU Exit) Regulations 2019, which were laid before this House on 4 March, be approved.

#### EXITING THE EUROPEAN UNION (FOOD)

That the draft Food Additives, Flavourings, Enzymes and Extraction Solvents (Amendment etc.) (EU Exit) Regulations 2019, which were laid before this House on 20 March, be approved.—  
(*Craig Whittaker.*)

*Question agreed to.*

## Business Rates

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

4.46 pm

**Sir Geoffrey Clifton-Brown** (The Cotswolds) (Con): I am very grateful to you, Madam Deputy Speaker, and Mr Speaker for affording me this opportunity to have a long dilation on the subject of business rates. I am under no illusion: I do not think my popularity is why so many people are present. It is all to do with the popularity of and the worry about business rates and their effect on our high streets up and down the country. I am sure Members will have an infinite number of examples of how their high streets have been disadvantaged by the impact of business rates.

**Bill Wiggin** (North Herefordshire) (Con): My hon. Friend has misled the House, although unwittingly. He is very popular; it is his natural humbleness and modesty that prevails upon us today. In Ledbury, which has one of the finest high streets in Christendom, there are only two shops that are part of the chains that can be seen on ordinary high streets, yet the shops in my constituency, like those everywhere else, are under tremendous pressure. More and more of them are becoming charity shops. Although none of us has anything against that, it is surely a sign of a deep unhealthiness in our high streets.

**Sir Geoffrey Clifton-Brown:** Ledbury comes second in Christendom after Cirencester, which is beaten by no high street town in this country. My hon. Friend is right, of course. The 80% rate relief that charitable shops get encourages a large number of them. I have a substantial number in Cirencester, although they are in the secondary streets, rather than the main square. I can perhaps beat Ledbury, in that I had only one major chain in my constituency. It was the House of Fraser, and it has recently gone bust, so as far as I know, I have no major high street chain in my constituency.

**Sir Peter Bottomley** (Worthing West) (Con): However modest we may be about each other, it is the popularity of both the subject and of my hon. Friend that has drawn the crowd. In addition to shops, will he talk a bit about the rating imposition on automatic cash machines? Cash machines are needed in many places where the banks have gone, and if the rates go up on them, we will start losing them as well.

**Sir Geoffrey Clifton-Brown:** My hon. Friend reads my mind. A long way further in my speech, I have a little section on ATMs. ATMs and public loos get a good allowance under the rating system, so I will be talking about that.

**Ms Nadine Dorries** (Mid Bedfordshire) (Con): I am sure that my hon. Friend remembers well that a long time ago—1997—I used to live in his constituency. In fact, we worked on his election campaign together. At the time, the Cotswolds constituency was booming with pubs and businesses. The high streets in Chipping Campden and other villages were doing incredibly well, but what we now see as a result in his constituency, which I had the pleasure of visiting recently, is that there has been a churn in businesses, because many of the small and



[Ms Nadine Dorries]

medium-sized businesses, due to the high rates and high rents on the properties in his beautiful constituency, find it incredibly difficult to sustain the costs of both high rent and high business rates. This problem is found not just in his constituency but across the UK, due to the high rateable value of properties. Does he agree that we need complete reform of the business rating system?

**Sir Geoffrey Clifton-Brown:** I well remember meeting my hon. Friend for the first time in the Eight Bells pub in 1997, when we were both a little younger—[*Interruption.*] She says, in parentheses from a sedentary position, “better looking”—I was not going to say that in case I came within the bounds of the code, which I think might well touch on the sort of remark that I might make. Nevertheless, I wholly concur with her sedentary remark.

**Craig Mackinlay** (South Thanet) (Con): I put on record that I have been trying to take action for a number of years to exempt public conveniences from business rates. Especially in respect of the towns in my constituency—Ramsgate, Broadstairs and Cliftonville are tourist areas—I have always said that public loos are often the first thing that people use and the last thing that they remember, and they should be thus exempted.

**Sir Geoffrey Clifton-Brown:** I am sure that the tourists in my constituency will be greatly relieved to hear what my hon. Friend has to say. In my constituency, which is very dependent on tourism, I have been having a big battle with the local council to keep public conveniences open, because it is really important. If someone comes for a day’s outing to the Cotswolds or goes to my hon. Friend’s constituency, they cannot last all day. They need somewhere to go, and I was delighted when the Government gave that sort of relief.

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

**Rachael Maskell** (York Central) (Lab/Co-op) *rose*—

**Sir Geoffrey Clifton-Brown:** Oh my God, I have got competition. I will give way to the hon. Lady first.

**Rachael Maskell:** I am very grateful to the hon. Gentleman. We have debated business rates on numerous occasions, because York, which is known for its retail offer, currently has about 50 empty properties. Does he agree that the business rates system is broken and that we need to move forward to a turnover tax or a profit-related tax, thereby enabling a much fairer system to be in place?

**Sir Geoffrey Clifton-Brown:** I am particularly pleased to see the hon. Lady in the Chamber today, because she was one of the very few people who were present when I held my Adjournment debate on this subject on 8 October last year. If memory serves me—I am sure that she will correct me if I am wrong—I think that on that occasion, she told the House that there were 24 empty shops in York. If it has gone up to over 50 now, that demonstrates a deteriorating situation. If I have the figures right—she is smiling so perhaps she would like to give the House correct figures for last year compared with now, if she knows them, but if not, I have them here and I

will look them up at some time during the speech—clearly business rates are having a deleterious effect on the high street. I will come to that in my speech.

**Mr Jim Cunningham:** The hon. Gentleman and I came into the House together, so we know each other quite well. To be frank, we have had many debates about rates in general terms, whether they were about the poll tax or business tax and so on, and quite frankly, it is about time—I agree with the hon. Member for Mid Bedfordshire (Ms Dorries)—that there was an inquiry to have a good look at the whole system of funding local government in this country. What is happening now is that a lot of local government expenditure, because of the reduction in Government grants to local authorities, has been shoved under business rates. As I said about 18 months ago, we cannot go on like this. Something has to give and we have to look at that properly.

**Sir Geoffrey Clifton-Brown:** I agree with the hon. Gentleman. He is quite right: we have known each other and been friends for a long time, and he has had a long interest in this subject. I will certainly come on to the subject of wholesale reform of the business rating system. Indeed, the British Hospitality Association, which I will refer to later, is calling for a royal commission to look into wholesale reform of the rates. Indeed, it was a manifesto commitment of my party, but the party seems to have gone cold on wholesale reform of the business rates system, for reasons to do with protecting the £30 billion of revenue it raises, as I will refer to in a moment.

**Steve Brine** (Winchester) (Con): As the manifesto seems to be very popular this week, I will read from it. We said:

“we will also conduct a full review of the business rates system to make sure it is up to date for a world in which people increasingly shop online”.

The pretty market town of Alresford in my constituency has a chocolate box row of shops that includes a beautiful bookshop, but people increasingly tell me they use it to look, view and try, and then go online to buy the books. It is totally untrue that the Government have not done anything to help with businesses rates—we have supported those affected by the revaluation, introduced the discretionary rates scheme and said we will introduce more regular revaluations—and the very good Minister, who is in his place, has done a lot. That said, it is probably time to consider a more structural change away from just property—I understand why the Treasury likes property taxes—to a more transaction-based tax, which might help bookstores such as the one I referred to in Alresford.

**Sir Geoffrey Clifton-Brown:** I am grateful to my hon. Friend for that thoughtful intervention, and I want to reassure him and the Minister that I have not called this debate to criticise the Government. I called it to come up with some helpful and positive suggestions for how we might reform system, wholesale or otherwise, while bearing it in mind that we need to raise that £30 billion. Clearly, the Treasury cannot afford any reduction in that amount.

**Sir Desmond Swayne** (New Forest West) (Con): Is the fundamental problem one of the taxation system or the nature of retail and our changing tastes? In my view,

the rating system does not help—it sets high streets at a disadvantage—but fundamentally people have changed the way they shop, and retail has to respond with a better offer and experience.

**Sir Geoffrey Clifton-Brown:** I agree with my right hon. Friend, and I have a section in my speech about the changing circumstances of big online companies vis-à-vis the rating system.

**Several hon. Members** *rose*—

**Sir Geoffrey Clifton-Brown:** I will get a little further in my speech and then accept a few more interventions. If I can make some progress, hon. Members might see where I am coming from.

The Red Book says that the amount collected by the business rates in 2019 is about £30.9 billion, but even this simple proposition is clouded by how much the Government have to provide for a loss on appeals, which alters the uniform business rates multiplier to allow rates under legislation to rise by at least RPI every year. Whatever happens to appeals, rates or reliefs, the Minister and his Department have to make up that £30.9 billion elsewhere.

I come now to the kernel of what I want to say today, and this in part addresses the interventions from hon. Friends. The OECD revenue statistics database makes it perfectly clear that the UK tops the league of taxation on immovable property both as a percentage of taxation and as a percentage of GDP by some margin. The UK paid 9% of rateable taxation in 2016. Our nearest rival, France, paid 7%; Germany just 1%; and Luxembourg barely a quarter. This must be a major reason why manufacturing business is not as competitive as in our nearest European rivals.

To shore up this £30.9 billion of revenue, the Treasury has had to increase the complex array of reliefs and allowances to compensate for some of the most damaging consequences of the tax, so in every Budget more or less, one sees a new allowance or relief to mitigate some of the worst effects of the tax. As the hon. Member for York Central (Rachael Maskell) has already done, I refer the House to my previous debate on this subject on 9 October 2018, when, as reported at column 117, my right hon. Friend the Minister listed some of these many reliefs.

We were all pleased when, in his Budget on 29 October last year, the Chancellor recognised that many small retail businesses were struggling to cope. I am sure that Members throughout the Chamber can give examples of businesses that are struggling to cope with the high fixed costs of business rates.

**Alex Chalk** (Cheltenham) (Con) *rose*—

**Sir Geoffrey Clifton-Brown:** I give way to my neighbour from Cheltenham.

**Alex Chalk:** Nurseries in Cheltenham provide a vital public service for parents, enabling them to go to work, but they are marginal businesses, and it is very hard for them to make money. Circus Day Nursery has written to me saying that it is struggling with the impact of business rates, and that the Government's great intentions to allow local dispensations to be provided by councils

are not being pursued in practice. Has my hon. Friend any views on the impact of business rates on the viability of the local nurseries that are so vital to our communities?

**Sir Geoffrey Clifton-Brown:** I do have a view, as it happens. Later in my speech I shall be dealing with discretionary hardship relief from local authorities. Some of that could go towards my hon. Friend's struggling nurseries, but the problem is that cash-strapped authorities are reluctant to give any discretionary reliefs at all. When we reach a point at which rates retention is one of the only sources of income for the small borough and district councils, they will be even less willing to provide hardship relief.

**Several hon. Members** *rose*—

**Sir Geoffrey Clifton-Brown:** My goodness! My golly! Actually, I think that my hon. Friend the Member for Faversham and Mid Kent (Helen Whately) was first.

**Madam Deputy Speaker (Dame Rosie Winterton):** Order. Before the hon. Member for Faversham and Mid Kent intervenes, I must make two points. First, I think it important for the hon. Member for The Cotswolds (Sir Geoffrey Clifton-Brown) to be allowed to finish responding to one intervention before being interrupted by another. Secondly, I know that it is very tempting to look at the Member who has intervened, but it is a good idea to face in this direction because of the microphones. Obviously, no one would want to miss a word of the debate.

**Helen Whately** (Faversham and Mid Kent) (Con): The reason for my enthusiasm about intervening at that particular juncture was my wish to raise a point that is remarkably similar to—if not the same as—the point raised by my hon. Friend the Member for Cheltenham (Alex Chalk). A couple of weeks ago I visited a nursery in my constituency whose staff told me about exactly the same problem. Business rates are a huge challenge to its success as a business, but it provides a very important service for local parents—especially mums, but also dads. Regulations require them to have a certain amount of floor space, so they are hit pretty hard by business rates. I am keen to hear the section of my hon. Friend's speech that deals with possible cases for extra support, and I hope that nurseries will be considered in that regard.

**Sir Geoffrey Clifton-Brown:** I do apologise, Madam Deputy Speaker, for not facing you. Of course I should like to face you all the time, but my hon. Friends have been tempting me in the other direction. I will try not to be tempted again.

My hon. Friend is absolutely right. The problem for nurseries is partly a business rates problem, but it is also connected with the pledge in our manifesto to grant free nursery spaces for an extra number of hours. That means employing extra staff, which the nurseries are finding hard to do. Nurseries—and I visit some in my constituency—are facing difficulties of all sorts. We must help them where we can. I am sure that my right hon. Friend the Minister has heard my hon. Friend's intervention; perhaps he will say that we can help in some way.

**Mr Marcus Jones** (Nuneaton) (Con): Will my hon. Friend give way?

**Sir Geoffrey Clifton-Brown:** Of course.

**Mr Jones:** I thank my hon. Friend. I now cannot remember what I was going to say. *[Laughter.]*

My hon. Friend has identified the high street as an important aspect of business rates. In the last few years, the saviours of many high streets have been casual dining and high-quality bars and restaurants, and in many places the rateable values are so high—above £100,000 in many cases—that none of those businesses has benefited from the generous allowances and discretionary reliefs provided by the Government. Does my hon. Friend agree that we need to ensure that we do not kill the goose that laid the golden egg?

**Sir Geoffrey Clifton-Brown:** My hon. Friend has touched on another subject with which I shall be dealing later. He will know that the British Beer and Pub Association has made specific recommendations on pubs. Suffice it to say that in all our constituencies, the hospitality industry is one of the few very bright lights on the high street. The numerous restaurants, bed and breakfasts and hotels are the one thing that is keeping most of our high streets going.

I welcome very much my right hon. Friend the Chancellor's statement in his Budget that small retailers in England with a rateable value below £51,000 will get a third discount on their bills. I know that that will have been a great deal of help to a lot of small businesses in this country, and a lot of small businesses in my constituency have told me how grateful they are for that relief. I congratulate the Treasury on that.

**Robert Courts (Witney) (Con):** My hon. Friend has been very generous in giving way. I entirely commend the Government for the package of business rates relief that has been given, although I recognise, as he does, the pressures that high streets are under with the business rates system. I also would be interested in a thorough reform of that system. Does he agree that, in the meantime, there are many things that local authorities can be doing to drive footfall and to help the high street? I am thinking particularly of West Oxfordshire District Council—his neighbouring authority, of course. The two adjoining local authorities work closely together. They have a flagship policy of free car parking, which has done a great deal to drive footfall and to help the high streets, particularly of Witney and Chipping Norton, where we have a plethora of great independent shops. In many ways, those high streets are thriving. Does my hon. Friend agree that local authorities such as West Oxfordshire should be commended for that, and that we could see that practice spread throughout the country, which would help the high street?

**Sir Geoffrey Clifton-Brown:** I totally agree with my neighbour's intervention. His towns are much the same as mine; they are small market towns with a lot of independent retailers. He is right that anything that our local district councils can do to encourage those local independent retailers is helpful. In Cirencester, for example, they have a scheme whereby parking is free after 3 o'clock—just the sort of time when perhaps the high street was beginning to slow down—to encourage more people to come in later in the afternoon to do their shopping. That is precisely the sort of intervention that a local authority can make to help struggling retailers in our constituencies.

**Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** The hon. Gentleman is not without friends on the Opposition side of the House. He knows my constituency well because he pursues sporting interests in it, and his aunt and uncle—very nice people—are constituents of mine. He knows from his sporting interests that one must give the gillie a tip. If I may draw the hon. Gentleman's attention to his future remarks about ATMs, the distance between ATMs militates against easy access. Where I come from, it is necessary to travel a very long way indeed to get to a cash machine. I would suggest that that is not at all good for the local businesses.

**Sir Geoffrey Clifton-Brown:** The hon. Gentleman has been a friend of mine for many years, and my family and his have been friends for even longer, so I do know his area very well indeed, especially his family town of Tain. It is a relatively recent phenomenon that the Valuation Office Agency has started rating ATMs. There is a particular quirk in the system: if an ATM is situated inside a bank or a post office, it is not rated, but if it is situated on the wall of the bank or post office, it is rated.

The hon. Gentleman and others—particularly in Scotland, because of the distances that they have to travel—have had numerous debates on bank closures, which may result in the removal of the one ATM in town. I am sure that a factor in the banks' decision in closing those ATMs must be that they are now rated, whereas hitherto they were not. Perhaps my right hon. Friend the Chancellor might look at that, particularly for all market towns. Up and down my constituency, all my market towns have lost ATMs in the last few years, and in some of those market towns only the post office still has an ATM facility. Now even the post office in some of those market towns is coming under threat. That is becoming a real problem for my constituents—particularly constituents with businesses who need to withdraw cash.

**Mr Marcus Jones:** Many ATMs are in petrol station forecourts and convenience stores. Many of those places are situated in some of the most deprived communities, and as a result of the business rate levied on those machines, quite often they are put in those stores on the basis that people have to pay to withdraw their cash. People who withdraw £10 or £20 quite often end up paying £1.50 or £2.50 to get their money. Would it not be helpful if the business rates on ATMs could be looked at, so that, hopefully, more people could access their money without paying an exorbitant charge?

**Sir Geoffrey Clifton-Brown:** I entirely agree with my hon. Friend, and I am sure that my right hon. Friend the Minister will have heard the plea from those of us who represent rural areas, where the one or two ATMs in our market towns play a very significant part.

**Bob Stewart (Beckenham) (Con):** Does my hon. Friend have any idea of the logic behind an ATM on the outside wall of a bank having to pay business rates when those that are inside do not? It beats me! Perhaps there is a reason, but I do not understand what it would be.

**Sir Geoffrey Clifton-Brown:** I understand that there are two reasons. The first is that the Valuation Office Agency can get away with saying that an ATM on the outside of the building is, in the jargon, a different



heredity from the main building on which it sits. The second argument that is given in the official explanation is that ATMs are often not run by the same company as the building on which they sit, and that as it is a different company, it can be rated as such. Those are the official explanations, but I am sure that my right hon. Friend the Minister, who is far more expert in these matters than I am, will be able to give us a better one.

Returning to the £51,000 and the question of discretionary relief as opposed to allowances, the Minister knows that this is the core of my speech. It was the core of my speech last October, and it is the core of my speech today. This £51,000 is still a discretionary relief. While the majority of local councils have now pledged to provide the resources for their local businesses to benefit from this change, there are some that, regrettably, have not been forthcoming with their support of this measure, either by delaying their decision to implement it or by putting systems in place that require businesses to apply for the relief, firmly putting the onus on businesses to take time out from their day job to claim back money that is rightfully theirs. That means that businesses in those areas are being disadvantaged.

Of course this still does not resolve the complexity, and I believe that simplicity is always the key. We all know that small businesses are under increasing and unfair pressure from out-of-town retail parks and online retailers, and I am sure that Members here tonight will have lots of examples of that. For example, for every £1 in business rates that our small high street operators are taxed, the big online and out-of-town retailers pay significantly less, averaging around 16p. We can immediately see the competitive disadvantage for high street retailers, compared with the large out-of-town retailers and big online organisations.

**Rebecca Pow** (Taunton Deane) (Con): My hon. Friend is making a powerful case. There is an area that has been left out of the discretionary discount, and I wonder whether he agrees that the Government ought to look again at the guidance on this. I am talking about grass-roots music venues. We have lots of them on our high streets. This was raised with me by the Creative Innovation Centre in Taunton. These are places where many of our young musicians find their feet; it is how Ed Sheeran started, for example. They also generate money for the local economy, and I believe that they ought to be classed with pubs when it comes to the discount because they also serve food and drink. I believe that a special case should be made for them. It would cost only £1 million over two years in money “lost” to the Treasury, but it would generate so much more for the economy if they could be included in these discretionary rates.

**Sir Geoffrey Clifton-Brown:** My hon. Friend has made yet another good case for a completely different class of business to have this relief. We can see the complexity of the rates system, and it is probably a good idea that we should have a royal commission to look into business rates in their entirety, as the British Beer and Pub Association and the British Hospitality Association are calling for, to see how they can be made to work better.

**Rebecca Pow:** I forgot to say that a lot of information about this arose as a result of the inquiry by the Select Committee on Digital, Culture, Media and Sport into

the UK live music industry, as it was one of the things that was highlighted. It is stifling our young talent coming through the chain.

**Sir Geoffrey Clifton-Brown:** I am all for anything that encourages our young talent to come through the chain, as my hon. Friend puts it. One of the great strengths of this country, as I meant to say when I opened this debate, is the 5.7 small and medium-sized businesses in this country, especially the 0.5 million new businesses that have been formed in the past five years or so. They are all capitalists risking their capital, many of them with a mortgage on their house to support their business. They work hard, and they succeed, and hopefully those small businesses will become medium-sized or large businesses.

All Governments of all colours have always been tempted to impose more taxation and bureaucracy on those small and medium-sized businesses, because they are easy targets and they do not move. What we should be doing is the reverse—making it easier for them to exist and make profits.

**Sarah Newton** (Truro and Falmouth) (Con): I am pleased that my hon. Friend was able to secure this debate. He is making a really powerful case on the importance of small businesses in our communities. Is it not interesting that there are no Opposition Members here at all, while Government Members, even as the House is about to adjourn, are standing up for small businesses? As Conservatives, we are the party for small businesses. I very much commend my hon. Friend's recommendation that we look in the round at what we can do to simplify taxation on small businesses. That is really important, but as we do so, I have noticed something positive about business rate retention. Local authorities are now working far more constructively with small businesses, so that that income raised in that community flows to them. Local authorities have to be concerned about small businesses, whereas in the past, when they got cheques from central Government they were not so focused on them. In the new scheme, let us think about the link between local authority funding and small businesses.

**Sir Geoffrey Clifton-Brown:** My hon. Friend, along with most of my hon. Friends, if not every single Member who is in the Chamber, is passionate about defending small businesses. I can see that she is shortly going to make a speech to support her small businesses—perhaps very shortly; I cannot possibly foretell.

**Bob Stewart:** Will my hon. Friend give way?

**Sir Geoffrey Clifton-Brown:** Yes, because my hon. Friend has been very patient.

**Bob Stewart:** As a small factual correction, when my hon. Friend said “5.7 small and medium-sized businesses” he meant 5.7 million. That is a small point, and I know it was a slip of the lip.

**Sir Geoffrey Clifton-Brown:** Indeed it was a slip of a lip. The figure of 5.7 million small and medium-sized businesses is terrific, and shows the entrepreneurialism in this country, which is why our economy is doing so well and why we have such full employment at present.

**Priti Patel** (Witham) (Con): I commend my hon. Friend on the debate, which is incredibly wide ranging. I should like to touch on wholesale reform of business rates. The Government have done an awful lot of good work to give discretionary rate relief and to support SMEs in constituencies and towns such as Witham. Does he not agree that wholesale rate reform could be the gateway or avenue to get local authorities in particular to invest in town centre development strategies that could help to grow the base of small business and achieve a much more sustainable local economy that meets local needs as well as helping entrepreneurs and small businesses in towns such as Witham and places across the Witham constituency, and the country, to continue to invest and develop?

**Sir Geoffrey Clifton-Brown:** I entirely agree with my right hon. Friend. We have to be far more innovative, as the world is changing. The digital world is foisting change on us, whether we like it or not, and our local councils and our local people have to be far more innovative and entrepreneurial. That is why I welcome the system that the Treasury has brought in, which will allow local authorities to keep a bigger proportion of the rates of new businesses, as opposed to existing businesses, to encourage them to do precisely the sort of scheme she mentions.

**Ms Dorries:** I am grateful to my hon. Friend for giving way to me a second time. He is incredibly generous.

On innovation, Flitwick high street in my constituency could not be more different from Chipping Campden high street in my hon. Friend's constituency. Given the housing crisis and housing shortage, it may be that not all high streets can survive and that we need to do something innovative with them.

On a humorous note, my hon. Friend mentioned that we met in 1997 in the Eight Bells pub on Chipping Campden high street. For 21 years he laboured under the impression that I was trying to chat him up, and I had to disabuse him of that notion only recently.

**Sir Geoffrey Clifton-Brown:** I had better not comment on that publicly for fear it might lead me down the wrong business rates avenue.

**Dr Caroline Johnson** (Sleaford and North Hykeham) (Con): My hon. Friend has spoken about the high street and perhaps, in some respects, the high street may need to change from being entirely retail to a place where people can meet and be entertained. One issue limiting such change is that many small business premises on our high streets are owned by self-invested personal pension schemes. As such, they need to remain commercial property to remain in those pension schemes. Will my hon. Friend or the Minister comment on whether properties that change from commercial to residential, in line with a slightly shrinking high street, may be able to stay within those pension schemes for a period so that such change is not hampered by the SIPP rules?

**Sir Geoffrey Clifton-Brown:** My hon. Friend makes a very good point, and I am sure it has been heard by the Minister. I am being urged to hurry up as I have taken an awfully long time, so I will not take too many more interventions.

The rates on Amazon's nine distribution centres have fallen by an average of 1.3% and ASOS has seen its bill fall by 0.8% because, although Amazon owns 20 million square feet of warehousing from which to supply customers, it does not have to occupy premium premises on the high street to get the footfall that a high street retailer needs. This provides those large businesses with an automatic advantage, making it easier for them to slash prices while maintaining a profitable margin. I have already demonstrated how they pay much lower business rates per square foot.

Although the Government have introduced a diverted profits tax and a new digital services tax, which will raise £400 million, I do not believe some of these very large digital platforms are actually paying the just amount of tax on their turnover in this country that a British business would pay.

I have previously mentioned that the British Independent Retailers Association has long advocated changing the current threshold or discretionary relief to an allowance—the difference being that one is discretionary and an allowance is automatic—which would cut red tape for both local and national Government. It could be applied at source, as opposed to being dependent on the local council, reducing the need for the £3.7 billion spend on mandatory and discretionary allowances and reducing the Government's current compliance cost for processing small business rate relief claims. I have already explained the difficulties with different councils applying different criteria.

Paradoxically, unknown to me at the time of my debate on 8 October 2018, the Minister had answered my written question, 176219, the day before, in which he said:

“The Government is committed to considering the feasibility of replacing small business rate relief with a business rates allowance”.

So the Government had actually conceded the point for small businesses, once the local authority and HMRC systems are linked in line with our planned digitisation of business rates. I would be grateful if my right hon. Friend the Financial Secretary updated the House on where we have got on the matter.

**Mr Marcus Jones:** Will my hon. Friend give way?

**Sir Geoffrey Clifton-Brown:** I want to make a little more progress.

The Government want to make tax digital, citing that they will be

“transforming tax administration so that it is more effective, more efficient”.

Would it not be worth investigating how tax could become truly joined up by ensuring that an allowance would be applied automatically, maybe at the point at which the Valuation Office Agency makes a valuation of a property? If it comes up to £51,000, that would automatically trigger the allowance that a business would be able to get, and it would simply be deducted from its bill. What a great simplification of government that would be.

There is a precedent for this, of course. Income tax has a personal allowance for all but the top 5% of earners, and that is automated. I am advocating the same principle for rates. I believe that this policy could get

cross-party support. After all, the Housing, Communities and Local Government Committee's report, "High streets and town centres in 2030", recommended

"that the complexity surrounding rate reliefs and the administrative burden they create for retailers should be addressed"

and simplified. All this needs is joined-up thinking and a plan of action to allow the Treasury to adapt the current operational systems for the benefit of businesses up and down the country.

Madam Deputy Speaker, I am grateful to you for allowing me to speak about this important subject at length. I hope that, as a result of my speech, we will see some action from the Government to ensure that business rates are reformed.

5.26 pm

**The Financial Secretary to the Treasury (Mel Stride):** We have had a very good debate on the extremely important matter of business rates. I will reiterate right at the start that this Government want to see taxes as low as possible. We have made a number of advances in that respect, as the House will know, in areas such as income tax and corporation tax. Equally, we want the burden of rates on businesses up and down the country to be as low as possible. For that reason, as several right hon. and hon. Members have highlighted, we doubled the small business rates relief, from £6,000 to £12,000 as a rateable value threshold, taking 655,000 businesses out of business rates altogether.

We also switched from the retail prices index to the consumer prices index for the uprating of the multiplier, further reducing the burden by £5 billion over the next five years. In 2016 we introduced £300 million for hard cases, which is there for local authorities to use at their discretion. We doubled the level of rural rate relief, from 50% to 100%, to help small communities where perhaps there is just one pub, post office or petrol station. A number of right hon. and hon. Members mentioned the discount of one third brought in at the last Budget.

I congratulate my hon. and gallant Friend the Member for The Cotswolds (Sir Geoffrey Clifton-Brown) on securing the debate. He asked a number of sensible and relevant questions about the whole way we structure our business rates. He asked specifically about the allowance, which we have discussed previously. We are looking at that seriously, but it depends to a large degree on our getting in place the digital arrangements between local authorities so that we can transfer information on business premises owned by the same entity. That programme will be introduced by about 2024, but I am happy to have further discussions with him on the matter.

**Sir Geoffrey Clifton-Brown:** I truncated the last bit of my speech, but I was going to say that the existing IT platform is regarded by the professionals who have to

work with it as being clunky and difficult to work. Does the re-design by 2024 that my right hon. Friend mentioned include an entirely new programme?

**Mel Stride:** I will have to come back to my hon. Friend with an answer to that specific technical question, but I will gladly do so.

Several Members rightly mentioned our high streets package. My right hon. Friend for New Forest West (Sir Desmond Swayne) made reference to the fact that it is not all about business rates; it is also about how we design and evolve our high streets to face the changing nature of retailing, which of course includes the rapid advance of online retailing.

Several Members mentioned the digital service tax that we are committed to bringing in by 2020, and we will do so unilaterally in the absence of a multilateral move on the behalf of other countries.

**Sir Bernard Jenkin (Harwich and North Essex) (Con):** I congratulate my hon. Friend the Member for The Cotswolds (Sir Geoffrey Clifton-Brown) on securing this excellent debate. All these welcome measures that the Government introduce do not really address the fundamental flaw in this tax. Take the economically unlucky town of Harwich, which I represent. A capable family business in Harwich has developed the Pier hotel over the years to make it a real jewel in the crown of an otherwise rather economically depressed town, but what is that family's reward? They get clobbered for extra business rates. The less successful hotel businesses carry on paying less rates but the most successful hotel and restaurant gets clobbered for a big increase in rates. If the tax operates in that way, how can that be rewarding success in depressed economic areas?

**Mel Stride:** Earlier in my speech, I went through at length the large number of reliefs that we have brought in to make sure that across the piece we are bearing down wherever we can, particularly in respect of those smaller businesses that might find expenses of this kind particularly arduous. Given that we have had a rather lengthy debate preceding my remarks—

**Mike Wood (Dudley South) (Con) rose—**

**Mel Stride:** I will not give way at this moment.

We have listened carefully as a Government and will continue to bear down on business rates. I look forward to having further discussions about that with my hon. Friend the Member for The Cotswolds and welcome the full and comprehensive debate we have had.

*Question put and agreed to.*

5.31 pm

*House adjourned.*





# Westminster Hall

Tuesday 2 April 2019

[SIR ROGER GALE *in the Chair*]

## Further Education Funding

9.30 am

**Richard Graham** (Gloucester) (Con): I beg to move,  
That this House has considered further education funding.

Good morning, Sir Roger. It is a pleasure to serve under your chairmanship and to see colleagues from across the House come together to debate further education colleges. I do so with my co-conspirator, the hon. Member for Scunthorpe (Nic Dakin)—165 colleagues signed our recent letter to the Chancellor of the Exchequer. This is a fantastic opportunity for hon. Members from all parties to come together without the need for indicative motions on alternatives and to reach a rare and much-cherished cross-party consensus on four simple propositions.

The first proposition is that further education is incredibly important to all of us, in every constituency in the land. The second is that our colleges need more funding to achieve important goals. The third is that the spending review and Budget are a great opportunity to make giant steps towards that objective. Lastly, today is an opportunity for many people to give a clear message to the Minister for Apprenticeships and Skills, who has been very supportive throughout, and to the wider Government: please do more to help our colleges provide the skills our young people need for themselves and for our country.

**Steve Brine** (Winchester) (Con): Well done to my hon. Friend for securing the debate. Peter Symonds College in Winchester is the largest in England. It has grown significantly in recent years. Student numbers grew by 19% between 2011 and 2018, yet in the same period the college's overall funding grew by just 3%—the relevant factors are the rising cost base, changes to pension contributions, national insurance and the part-funded pay rise—meaning that, without a long-overdue increase in the base rate, it will have to make some very difficult and significant changes. Does my hon. Friend agree that the comprehensive spending review is looking increasingly like a seminal moment for this sector?

**Sir Roger Gale (in the Chair)**: Order. Before the hon. Member for Gloucester (Richard Graham) answers, may I put a marker down? An enormous number of Members wish to take part in the debate. I am going to insist that interventions be brief.

**Richard Graham**: The short answer to my hon. Friend the Member for Winchester (Steve Brine) is yes.

Today, I want to set out briefly what the problem is—as you say, Sir Roger, many Members wish to speak—what the case for further education colleges is in more detail, what outcomes we would like to see from more funding going into the sector, what skills and productivity we should be looking for, and some of the key statistics, both locally and nationally, that are on our minds.

Let me start by outlining the problem. It is simply that education for 16 to 18-year-olds has, broadly speaking, not been funded as well as that for other age groups. The Institute for Fiscal Studies has done research that shows that. The chart we used in our letter shows clearly that, of the four main categories of education—primary, secondary, further and higher—further education is the only one on which spending has fallen in real terms recently. It is therefore the most deserving of the four categories, but let it also be said—

**John Howell** (Henley) (Con) *rose*—

**Melanie Onn** (Great Grimsby) (Lab) *rose*—

**Mr Adrian Bailey** (West Bromwich West) (Lab/Co-op) *rose*—

**Richard Graham**: I will give way in a second; let me just finish the sentence. I suspect that all of us here share the view that education in general is a good cause for the spending review and the Budget, so this is not to decry the other three categories but to highlight the importance of more funding for further education. Three colleagues wished to intervene—I think they were, in order, an hon. Friend and then two Opposition colleagues.

**John Howell**: I will be as brief as I can. Does my hon. Friend not think that FE colleges have the ability to improve the situation themselves by attracting good companies in to help fund apprenticeships? That is precisely what I am doing with the FE college in my constituency.

**Richard Graham**: My hon. Friend is always a great champion of these things, and he is absolutely right. Colleges can certainly help themselves by attracting great employers to offer apprenticeships, and we can help them by introducing some of the employers if need be.

**Melanie Onn**: Does the hon. Gentleman agree that the restrictions on FE funding have directly damaged the ability of colleges to recruit very specialist skills at the highest level, such as in engineering, meaning that vacancies exist for long periods and that colleges are often cutting short those types of course?

**Richard Graham**: The hon. Lady has brilliantly anticipated a line in my speech, and I agree with her.

**Mr Bailey**: Notwithstanding the Treasury's historical aversion to hypothecated taxation, does the hon. Gentleman agree that, given that the Government are making a substantial surplus out of the apprenticeship levy at the moment, there is a strong moral case for recycling that money into the 16-to-18 sector?

**Richard Graham**: Hypothecated funds are interesting. I am an advocate of them for the field of care. I will leave my right hon. Friend the Minister to comment on the huge surplus being generated; I have not yet seen much sign of that surplus coming through in my constituency, but the hon. Gentleman raises an interesting point.

**Mr Marcus Jones** (Nuneaton) (Con): The point about recruitment and retention has been raised. Does my hon. Friend agree that the sector desperately needs

[Mr Marcus Jones]

more funding? In a case I am aware of, there are staff who have not had a pay rise for 10 years. If that is the case, retention will become impossible.

**Richard Graham:** Yes. When it comes to pay rises, all of us will remember that take-home pay has increased by about £1,200 as a result of the tax-free allowance being almost doubled, but my hon. Friend is absolutely right on the wider point about being able to retain key staff. That point has been raised by other colleagues and is crucial.

**Alex Chalk** (Cheltenham) (Con) *rose*—

**Sarah Newton** (Truro and Falmouth) (Con) *rose*—

**Richard Graham:** I will give way to Cheltenham and then Truro.

**Alex Chalk:** Does my hon. Friend agree that FE is at its most successful when it is provided locally, in communities? Gloscol—Gloucestershire College—provides services in both Cheltenham and my hon. Friend's constituency of Gloucester, but if the cuts increase, it will be at only one or other of those sites, and that will reduce the uptake of courses and damage FE provision in the county overall. Does my hon. Friend agree?

**Richard Graham:** Where my hon. Friend and constituency near-neighbour is absolutely right is that, in the case of Gloucestershire College, which provides those skills in Cheltenham, Gloucester and the Forest of Dean, there is only one provider, in effect, in the whole county. That is why further education colleges are crucial to the infrastructure of all our constituencies. I agree totally with that.

**Mr Philip Dunne** (Ludlow) (Con) *rose*—

**Richard Graham:** I must give way to Truro, and then I will give way to Ludlow.

**Sarah Newton:** My hon. Friend is being very generous with his time. I commend him for securing the debate. There could not be a greater champion for this sector than our right hon. Friend the Minister. Our job is to give her strength to go forward to the Treasury to secure the funding, and it is great that so many of us will be on the record giving her that strength. On the point about more funding to secure better wages, Truro and Penwith College is outstanding and deemed to be so by Ofsted, yet it has not been able to give its staff a pay rise for eight years, which of course is making it difficult for the college to recruit and retain staff.

**Richard Graham:** My hon. Friend is absolutely right. I think we can all agree that it is time that core funding allowed for a decent increase in salaries for staff.

**Julian Sturdy** (York Outer) (Con) *rose*—

**Richard Graham:** I must give way to Ludlow, and then I will give way to York.

**Mr Dunne:** My hon. Friend is exhibiting, if I may say so, an almost ministerial skill in handling interventions today. He was touching on geography. The FE college in my constituency is the only location for sixth-form and technical training within a 20-mile radius. Does he agree that if pressure is placed on isolated, rural FE colleges, we may well find ourselves in a situation in which no such provision is available in parts of the country, which would not be acceptable?

**Richard Graham:** My right hon. Friend is absolutely correct. The crucial point, as he implies, is that, in effect, his local college, like so many of our colleges, has a monopoly. If things were to go badly wrong, who else would provide what it does? Who would provide those opportunities for young people? My hon. Friend the Member for York Outer (Julian Sturdy) was reaching for an intervention.

**Julian Sturdy:** I congratulate my hon. Friend on securing this important debate. He is right to highlight the importance of wider education funding, which has seen increases. However, York College, in my constituency, tells me that the big problem it faces is that while school sixth forms can cross-subsidise, colleges cannot. Does he feel that that issue affects all colleges?

**Richard Graham:** My hon. Friend is absolutely right. That is a significant issue, as is the issue of A-levels for those who went to schools without a sixth form, for whom further education is really important. I know that my co-conspirator, the hon. Member for Scunthorpe, will come on to that point.

**Rebecca Pow** (Taunton Deane) (Con): My hon. Friend deserves huge praise for bringing this debate to the House. The Minister also deserves huge praise, and I know she is listening and believes a great deal of what we are saying. In Taunton we have an outstanding sixth-form college, Richard Huish College, and an excellent university centre. However, those institutions tell me that, by 2021, they need at least £760 more per student to deliver the apprenticeship scheme, which delivers for business. Does he agree that we want to retain those students locally, because they have the skills we need for the future, and to deliver minority subjects, such as languages?

**Richard Graham:** I absolutely agree. The Minister, who is a former apprentice herself, is a huge champion for that, along with colleagues from across the House.

**Matt Western** (Warwick and Leamington) (Lab): The hon. Gentleman is being generous with his time. Related to the suppression of pay in the sector is a casualisation of contracts, which are being put out to subsidiary businesses within college groups, and that has an impact on the morale and pay of staff. Next Monday and Tuesday there will be strikes at Warwickshire College Group in my area. That is not what students need, and the sector does not need it either.

**Richard Graham:** The hon. Gentleman raises an interesting question. He is absolutely right that that is not what students need, and I am not sure that it is what colleges really need at the moment. Perhaps the Minister will touch on that.



We are looking for more funding, which is needed to ensure that good staff are hired and retained. Unused space needs to be used. Interestingly, around a third of the space in the nation's further education colleges is currently unused, so there is a capacity opportunity, which could provide more space for more students to get those key skills.

We need more quality apprentices to be hired and trained. We all have stories from our respective constituencies about the importance of that. Colleges can make a huge difference in terms of the life opportunities apprenticeships offer. The key output from that will be a leap in business productivity, which we know is one of our country's big, outstanding challenges.

**Paul Farrelly** (Newcastle-under-Lyme) (Lab): Does the hon. Gentleman agree that, as well as funding for students, colleges face challenges with apprenticeships and, in particular, with the new non-levy apprenticeship scheme, of which the Minister is well aware? In my area, the Newcastle and Stafford Colleges Group has no funding for 18-plus, non-levy adult apprenticeships, and only enough funding until the end of September for 16 to 18-year-olds.

**Richard Graham:** The apprenticeship levy is an issue in itself, which I do not intend to address today, because it is slightly peripheral to what we can achieve in an hour and a half on the overall situation for further education colleges. The hon. Gentleman is right that there are ongoing issues, which I know the skills Minister is doing her best to tackle, and I am grateful to him for raising them.

More funding can achieve results in a couple of slightly softer areas, which are worth mentioning. The challenge around mental health is not unique to further education but exists across the education sector. There is no doubt about it: young students in general are facing more challenges than in the past. Funding to ensure that they get the support they need while at college is incredibly important and should increase their resilience and contribute to better results and opportunities. It is worth adding that to the checklist of things that could be achieved through more funding.

**Chi Onwurah** (Newcastle upon Tyne Central) (Lab) *rose—*

**Richard Graham:** Lastly, at the soft end of what could be done, there is a range of enrichment activities, particularly for students aged 16 to 18, where colleges have opportunities to demonstrate that they can compete with other, better funded institutions.

Before I turn to the hon. Member for Newcastle upon Tyne Central (Chi Onwurah), who is from the engineering sector and a great advocate for it, I will just touch on a few general facts, which it is useful for us to bear in mind. There are 266 colleges in England—almost one college for every two constituencies. They educate the majority of 16 to 18-year-olds and 2.2 million other young people and adults. On average, there are 1,200 apprenticeships in every further education college. Students who are over 19 generate an additional £70 billion for the economy over their lifetime.

**Gill Furniss** (Sheffield, Brightside and Hillsborough) (Lab): Will the hon. Gentleman give way?

**Richard Graham:** I will just make a bit of progress, then I will come to the hon. Member for Newcastle upon Tyne Central and then the hon. Member for Sheffield, Brightside and Hillsborough (Gill Furniss).

The average pay for a college teacher—a number of colleagues have mentioned salaries as an issue—is £30,000, compared to £37,000 for a school teacher. I find that a particularly interesting statistic because it implies that we put a lower value on further education teachers than school teachers, which cannot be right. It is also worth highlighting that in 2017 alone the turnover rate in further education was 17%—almost one in five—which is higher than the rate in schools. As a result of funding issues, 63% of colleges have been making compulsory redundancies. If this was a business, we would have to assume that it was in decline. I think we would all say that it is time that we halted and reversed that process.

**Chi Onwurah:** The hon. Gentleman is absolutely right to highlight the devastating impact that lack of funding for further education is having, particularly on young people. Colleges such as Newcastle College in my constituency are doing great work in really difficult circumstances. Does he agree that adult education and lifelong learning, such as that delivered by the Workers' Educational Association in hard-to-reach communities in Newcastle—which has also been severely cut and is likely to be cut more in the future—provides the kind of opportunities that we need, particularly for productivity in the fourth industrial revolution, as jobs change in the future?

**Richard Graham:** The short answer is that I agree. Qualifications for workers in key sectors have dropped. Qualifications for construction workers have dropped from 98,000 to 62,000. For engineers, the sector from which the hon. Lady comes, including plumbers and electricians, the figure has dropped from 145,000 to 46,000. That is a huge drop in a relatively short space of time, precisely at the moment when we need more engineers in this country, to take forward our technology revolution.

**Julia Lopez** (Hornchurch and Upminster) (Con): My hon. Friend highlights precisely the relevant point, namely that at the very moment when we should be looking at vocational skills in our economy, we are squeezing funding in that area. This is critical to where our country is heading in the next 10 to 20 years.

**Richard Graham:** I agree with that, as I think all hon. Members would.

**Gill Furniss** *rose—*

**Richard Graham:** I do apologise—I will come to the hon. Lady in one second. Some statistics, which the Minister is well aware of, suggest that on a national basis we are in the bottom quartile for the numbers of higher apprenticeships, which are the ones that include the greatest numbers of skills and will drive forward our technology businesses. At the same time—the hon. Member for Scunthorpe may touch on this—it is worth remembering that the entry qualifications, levels 2 and 3, play a very important role in getting some of our youngest and least-skilled constituents on to the ladder of opportunity, so we need support at both ends.

**Gill Furniss:** I thank the hon. Gentleman for giving way. I applaud the work of Sheffield College in my constituency during these difficult times. Does he agree that we are taking away a vital support system for many in our working-class communities, and that we will rob them of vital opportunities for the future, unless we change now, and start giving further education colleges the support that they need and individuals the community support that they need to realise their potential?

**Richard Graham:** I agree with the hon. Lady's general point that it is incredibly important to give our young people maximum opportunities. Everyone has highlighted the role of further education colleges in that.

**Karen Lee (Lincoln) (Lab):** Will the hon. Gentleman give way?

**Richard Graham:** I will make a tiny bit of progress. I am conscious that a lot of hon. Members want to speak, so I will try to reach the end of my comments and bring the hon. Lady in before I finish.

It would be wrong of me not to mention the importance of Gloucestershire College—Gloscol—in my county of Gloucestershire, which I have known well for the last decade. The management have done their best to try to use resources to maximum effect and give our young people the opportunities that we are looking at across the country. Its 1,000 full and part-time staff serve some 3,500 students across the three campuses in Gloucester, Cheltenham and the Forest of Dean. It is clear, however, that even such a college, which has been rated good for the last three and a half years, is struggling to maintain the range of qualifications that my colleagues in Gloucestershire and I want it to provide.

I will not touch on South Gloucestershire and Stroud College, because the hon. Member for Stroud (Dr Drew) will want to, but I suspect that he will mention some similar issues. I also pay tribute to my fellow campaigner in Stroud, Siobhan Baillie, who has visited the college twice recently and has highlighted some of the issues that it faces, including—as is true for all colleges—the teachers' pension increases that cost it £1 million a year. I hope that the Minister will comment on those pension costs, which are a real issue for many colleges across the country; she has spoken about them before.

**Karen Lee:** I have one brief sentence. I agree with the hon. Gentleman about young people, but colleges support older people and people of all ages as well. I left a grammar school with two O-levels, then went to college, got my A-levels and trained as a nurse—aged 39. [HON. MEMBERS: "Hear, hear!"]

**Richard Graham:** The hon. Lady makes a very good point, as shown by the warmth of approval purring through the Chamber. She is a fantastic example of what a further education college can achieve; perhaps we should have a colleges alumni group in Parliament.

Some of the comments that the Association of Colleges and other royal societies have fed in to me confirm the general picture that I and other hon. Members have painted so far, which is that we need more funding for teachers' pay; more help to ensure that the range of subjects continues to increase rather than decrease; and more young people to get decent results in English and maths

at A-level. We also need to tackle the shortage in science, technology, engineering and maths skills, which are vital for our country's future, as several hon. Members have mentioned.

I will finish by alluding to a remarkable bundle of statistics. There are 171,000 16 to 18-year-olds doing A-levels in further education colleges—a huge army of young people who deserve to be taught well and given the resources they need—and 672,000 students taking STEM subjects in colleges, who also deserve the best teachers available from a sector where salaries are getting higher all the time.

For all the reasons mentioned, I hope that the debate encourages the skills Minister on her chosen path, which is to be the champion of further education colleges. I also hope it will ensure that, in this spending review and Budget, further education colleges finally get the increase in funding that they deserve, so that they can ultimately improve opportunities and productivity, and be the success that we all want them to be in our constituencies.

**Several hon. Members rose—**

**Sir Roger Gale (in the Chair):** Order. A large number of hon. Members wish to participate. I could impose a time limit of two minutes, but I do not think that is realistic, so I will impose a time limit of three minutes. Please bear in mind that each intervention adds a minute, so it is entirely up to hon. Members whether they allow other hon. Members the chance to speak at the end of the debate. I urge hon. Members to be as courteous and forbearing as they can.

Exceptionally, to facilitate the debate, I will give the batting order now. Those at the end may choose to intervene, on the almost-certain understanding that they will not get called, because I suspect that the time limit I am imposing will not be realistic—I appreciate that I am taking time myself. From the Opposition Benches, I shall call Daniel Zeichner, Paul Blomfield, Emma Reynolds, Liz McInnes, Mrs Sharon Hodgson, Luke Pollard, Jim Shannon, Marsha De Cordova, Derek Twigg, Dr David Drew, Rachael Maskell, Holly Lynch, Karen Lee, Gill Furniss, and—first, as one of the co-sponsors of the debate—Nic Dakin. From the Government Benches, I shall call Andrew Selous, Will Quince, Sir David Evennett, Giles Watling, Martin Vickers, Peter Aldous, Andrew Lewer and Derek Thomas.

I am afraid that those who are attending the debate who are not on that list and have not put in to speak will not stand a chance of getting called. I hope that is helpful. Moving swiftly forward, I call Nic Dakin.

9.56 am

**Nic Dakin (Scunthorpe) (Lab):** Thank you, Sir Roger; I shall rattle through my speech. I thank the hon. Member for Gloucester (Richard Graham) for clearly setting out the case for colleges, which is echoed by the big number of hon. Members attending the debate. I hope that the Government are listening.

Colleges provide a bridge between education and the world of work, help industry to find solutions, and secure real work contexts and experiences for students. In small towns such as Scunthorpe, they are significant engines of enterprise and social mobility. North Lindsey

College is showing great leadership by opening its new university centre as part of the drive to build higher level skills locally. John Leggott College celebrates 50 years of Ofsted recognising its pastoral support as outstanding.

Success does not guarantee future success, however. North Lindsey embraced the Government's apprenticeship agenda and achieved growth of more than 30% against a backdrop of a national decline in starts. However, due to problems with the levy, non-levy-paying companies may not be able to provide apprenticeships for young people, which might be restricted as caps take effect. I would appreciate it if the Minister commented on that.

There has been a 22% decline in core funding since 2010-11. The average funding per student for 16 to 18-year-olds is 15% lower than for 11 to 16-year-olds and about half the average university tuition fee. Some 51% of colleges and schools have dropped courses in modern foreign languages; 38% have dropped STEM courses; 78% have reduced student support services; and 81% are teaching students in larger classes.

It is high time to raise the core rate, which has remained frozen at £4,000 per student per year since 2013-14. Recent research by London Economics found that £760 per student was the minimum amount of additional funding required so that there can be student support services where they are needed, protection for minority subjects and an increase in time for students. Raising the rate would benefit 1.1 million young people and the economy. The decline needs to be reversed now. Stabilising the core element of college funding would be a clear commitment to not only 16 to 18-year-olds, but colleges and their pivotal role in communities.

More than ever, as we contemplate life outside the EU, 16 to 18-year-olds are our future—this country's future—and they deserve to be backed by all of us across this House and by our Government. It is high time to raise the roof, shout out for our young people's future and raise the rate—that means the proper rate, not bits and bobs around T-levels, a larger programme uplift and maths levels. Those things are valuable and useful, but raising the rate is about the core funding that will make a core difference by transforming the lives of 16 to 18-year-olds and transforming the country.

9.59 am

**Andrew Selous** (South West Bedfordshire) (Con): I am very proud to have Central Bedfordshire College in my constituency. It is a multi-campus college, with sites in Leighton Buzzard, Dunstable and Houghton Regis, which are three of my towns. Of course, having a multi-campus college means that there are additional expenses.

For me, this issue is one of fairness. Every stage of education is important; none of us in Westminster Hall today has come here to do down our schools or the excellent work that universities do. We all want schools and universities to be well funded. However, the way that colleges have been treated in comparison with schools and universities is simply not fair.

How can it be acceptable that college teachers are paid on average less than 80% of the rate of school staff? We know that we have critical shortages of college teachers in engineering, maths and other critical subjects. We also know that the recent pay rise given to school staff of up to 3.5% was not given to further

education. Again, that is simply not fair. We must stand up against it, because our colleges and their staff do brilliant jobs.

The second issue I will raise is the problem that this country has with productivity. The UK ranks poorly in terms of skills comparisons. The UK is in the bottom quartile of the OECD for level 4 and level 5 technical skills. Our colleges are the means of doing something about that. Productivity has been an issue in the UK economy for a very long time indeed, and it is our colleges that will be the answer.

It should also shame us as a country that, according to a report from the Centre for Social Justice, 85% of people who start their working lives in an entry-level job will finish their lives in an entry-level job. That is an appalling statistic, showing that only 15% of people escape and move on.

Our colleges are great poverty-busting institutions. They are the means by which we have the high skills that lead to higher pay and help people escape poverty. That is why further education is essential. We want our colleges to offer more. We want them to be open in the evenings and at weekends, so that people in those entry-level jobs can upskill while they work, in order to progress, to get higher pay and to put food on the table for their families and look after them. That is why this debate is so important.

10.2 am

**Daniel Zeichner** (Cambridge) (Lab): Recently, Carolyn Fairbairn, the director general of the CBI, spoke at Cambridge Regional College and said that further education colleges have “politically been neglected”, which has led to their historic underfunding. I think that theme will come through in many of the contributions this morning.

I represent an education city, but I see it as my business to speak up just as much for the further education sector as for the famous universities for which Cambridge is known.

When I spoke recently to the director of Cambridge Regional College, Mark Robertson, he detailed many of the funding issues that have been raised this morning. I asked what it would take for him to really make a difference. He smiled ruefully at me and said, “Even a 5% uplift would be absolutely game-changing.” It seems to me that it is important to get that across today: colleges are not asking for a revolutionary change regarding their settlement; they are asking for a relatively small reversal of the damage that has been done over the last decade.

The situation is particularly difficult in areas such as mine, where staff face very high housing costs, there is a lot of churn and a lot of people cannot afford to live and work there. Cambridge is an expensive city and if we compare the pay with that in some schools, we see that colleges are working at a systemic disadvantage.

One key issue is that students are being put through maths and English retakes consistently. I am told by staff that the retakes are very, very difficult. It is very hard to teach people who really do not want to be there and who are almost being set up to fail. I hope that the Minister will consider revisiting that issue, because frankly there are other ways of assessing whether people have the appropriate skills to take them forward. From what I hear, it seems that the retakes process is proving



[Daniel Zeichner]

counterproductive. When I speak to Pete Mulligan, a local University and College Union representative, he says that it is really difficult for FE staff who can see ways of taking people forward when those people are being forced down a very narrow route.

I will not repeat the figures that we have heard this morning, but I suspect that the strong message to the Minister from both sides of the Chamber today will be that as we come to the spending review, particularly in the light of the skills challenges around our changing relationship with the European Union, it is really important that we get this matter right. Obviously, there will be an argument about funding and the comprehensive spending review, but the fact there are so many Members here this morning—I have counted at least 20 Members on each side of the Chamber—sends a strong message to the Government that the situation needs to change.

10.4 am

**Will Quince** (Colchester) (Con): Further education is the crucial but sometimes forgotten link between secondary schools and universities; it is very much the Cinderella service. It can pave the way for an excellent university career or provide the opportunity to learn the vocational skills required to enter a competitive professional field, and is just as important as secondary or higher education. We cannot afford to neglect further education and we must correct the disparity in funding.

As many colleagues have said, the national funding rate for 16 and 17-year-olds has remained frozen since 2013-14, yet we know that, as with our schools, the cost pressures on our colleges are considerable. If we do not address that, there will be a huge issue—it has already been growing year on year.

Despite that, our schools and colleges have been doing an excellent job with the resources they have. Two colleges in my constituency, Colchester Sixth Form College and Colchester Institute, are both bucking the trend. In my constituency, A-level attainment is far above the national average, which is remarkable. Huge credit deserves to go to the teachers, staff and leaders who work within our schools and colleges. However, we cannot expect this success to continue if we do not take action to address the rising costs faced by schools and colleges, and their underfunding.

Those rising costs are having an impact: 51% of colleges and schools have dropped courses in modern foreign languages; 38% have dropped STEM courses, which we know we so desperately need; and 78% have reduced student support services or extracurricular activities, with significant cuts to mental health services.

**Julia Lopez:** A problem that I find in my constituency is that there is a disconnect between the jobs being generated by the economy and the ability of our education sector to provide the right skills for those jobs. Havering Sixth Form College, which is in my constituency, plays a key role in that process. For instance, going down the nursing associate route will be critical for our public sector. Trying to get that match between the public sector, the economy and our education sector is critical, which is why this debate is so important.

**Will Quince:** My hon. Friend is absolutely right. It is our colleges that are working closely with industry to ensure that our future workforce have the skills and competence that are needed to thrive and develop careers within those sectors. It is important that we keep that link alive.

As Members have mentioned, the Raise the Rate campaign is calling for the frozen national funding rate for FE students to be increased to at least £4,760 per student, to bring it closer to the level spent on 11 to 16-year-olds, which is some £5,341 per student.

I will conclude by saying that if we believe in social mobility and equality of opportunity, the heart of that process is within our education system. It is imperative that we invest in our people. I know that the Minister cares passionately about this issue. One of the frustrations with debates such as this is that we make the arguments to Education Ministers who know the arguments well and are well-versed in them. Therefore, this is really a message to the Treasury, and we say loudly and clearly, on a cross-party basis, that we need more money for our education budget and, in particular, for the Cinderella service that is further education.

10.8 am

**Paul Blomfield** (Sheffield Central) (Lab): I chair the all-party parliamentary group on students and we provide a voice for students in both further education and higher education. In this place, we spend a lot of time talking—rightly—about higher education, but not enough talking about further education. I therefore congratulate the hon. Member for Gloucester (Richard Graham) on securing the debate and on the work that he does with my hon. Friend the Member for Scunthorpe (Nic Dakin). It is a real pleasure to see so many colleagues attending this debate; I am sure that it will send, through the Minister, a powerful message back to the Treasury.

I will keep my remarks brief. It is a delight to be able to scribble out many of the comments that I was going to make because so many other Members want to contribute to the debate.

I will briefly make a couple of points about Sheffield College, which provides a great education for 17,000 students from entry level to level six, across 25 subject areas. Crucially, 53% of its students come from disadvantaged postcode areas, including 75% of its BME students. Half of its 16 to 18-year-olds receive financial support from the college, because they come from low-income households.

When the right hon. Member for Maidenhead (Mrs May) made her first speech as Prime Minister—that seems like a very long time ago—she said that her Government “will do everything we can to help anybody, whatever your background, to go as far as your talents will take you.”

That is exactly the mission of Sheffield College and of the FE sector. Our college has strong leadership. It is ambitious for its students and in its mission to enable social mobility, and it is committed to upskilling, retraining and developing the skills of adults across the city.

Ahead of today's debate, I asked the college what it needed to fulfil its role, and there were four asks. The first was that within the wider debate on education funding, 16 to 18-year-olds are recognised as a priority. College funding has fallen by 30% over the past 10 years, and that must change. Secondly, it asked that additional

funding be made available for adult students. Continuing on from previous cuts, the college's indicative adult budget—

**Wera Hobhouse** (Bath) (LD): We need to add that further education colleges are the best opportunity for lifelong learning.

**Paul Blomfield:** The hon. Lady is exactly right, so it is disappointing that we see consistent cuts in the adult budget. In the year ahead, Sheffield College faces a further £120,000 of cuts, even though it is best placed to meet the needs of both individuals and the local economy.

The third ask is for funding to enable the college to recruit competitively. It is simply wrong that the average FE teacher's pay is £7,000 less than that of a schoolteacher. The Government refuse to underpin FE pay awards in the way they do for schools. That is not fair to staff and it makes it difficult to recruit, often in key vocational areas.

Fourthly, the college asks for funding in capital investment. Our college has good buildings, but it struggles to maintain up-to-date learning resources, particularly in expensive areas such as engineering. The college wants to ensure that all students experience real work environments wherever possible, but in too many areas resources are not up to industry standards.

Finally, as chair of the all-party parliamentary group on students and as someone who is committed to student wellbeing and conscious of the challenges of mental health in our schools, FE colleges and universities, I would add that colleges have not had the necessary resources to provide the support that FE students need. I hope that the Minister will make the argument to the Treasury for redressing the underfunding of recent years and ensure that our colleges have the funding they need to make the real difference that they seek to provide for students.

10.12 am

**Sir David Evennett** (Bexleyheath and Crayford) (Con): I congratulate my hon. Friend the Member for Gloucester (Richard Graham) on securing this debate on such an important topic. We have heard powerful arguments on further education funding, which I myself will come to shortly, but we should first take a moment to recognise the real achievements we have seen in further education in the past few years.

All Members here today will have some fantastic colleges and sixth forms in their area. In Bexley, we are fortunate to have a campus of London South East Colleges, which my right hon. Friend the Minister for Apprenticeships and Skills visited last year. She toured the campus, met students, apprentices and tutors and observed a number of lessons and activities. The college appreciated the visit, as it enabled it to showcase the outstanding work done by students, the facilities, and the plans to help upskill people in our area.

Much has been said about the financial challenges that further education establishments face. Although further education seems to be the poor relation of secondary and higher education, we must not forget that in the "Further education and skills inspections as at 31 August 2018: main findings" document, 81% of the 1,040 providers inspected were judged good or outstanding. We should praise lecturers in particular; I want to praise

mine in London South East Colleges. They should be valued more, and it is really disappointing that they are not paid at the same level as teachers.

We need to realise that these colleges are the engines of our future economic success. They provide the young people we will need, when we leave the European Union, for the future of our economy, and the opportunities for our country to thrive in the global world.

We need to address the T-levels that are coming in, which we welcome. The £500 million investment, however, will not fully materialise until 2023 and, when it does, the majority of students will still be doing academic or applied general qualifications.

We need to ensure that further education establishments provide opportunities for older, as well as for young, people, and for social mobility. In my view, social mobility is absolutely key to the future of our country, and FE is the engine that can deliver it.

Time is short. There are so many more issues I would like to raise, but I will not repeat what colleagues on both sides have said. We hope that the debate will give more ammunition to my right hon. Friend the Minister in her campaign with the Treasury, to ensure that we get the extra funding we need for the FE sector. Education funding at all levels should, of course, be seen as a necessary investment for our country and should be increased, but FE colleges in particular should be a priority.

10.15 am

**Emma Reynolds** (Wolverhampton North East) (Lab): I congratulate the hon. Member for Gloucester (Richard Graham) not only on his eloquent speech but on taking so many interventions. I also congratulate every Member who is here, because their presence sends out a strong signal, not only to the Minister for Apprenticeships and Skills, who we know gets the message, but to the Treasury. I hope that the televisions in the Treasury are blaring away with Westminster Hall on the screens, because it is the Treasury that needs to get the message. That is why a cross-party consensus is so important. We are all essentially saying the same thing—that further education has been overlooked and needs sustainable, long-term funding.

We are lucky enough in the Black Country to have some fantastic colleges, including City of Wolverhampton College. It is a place that is close to my heart because I studied my Spanish A-level there alongside those I studied at school. The college provides vital educational opportunities to both young people and adults. It offers more than 300 vocational and academic qualifications to 4,500 students, covering a wide range of full and part-time courses, including a well-regarded journalism course. It also has some fantastic, but expensive to maintain, facilities that enable people to train in the trades, such as plumbing.

Many of the facts and figures have been covered by colleagues, but it is worth saying that the Institute for Fiscal Studies recently said that further education was the "biggest" loser in cuts to education. It simply cannot be right that funding per pupil for 16 and 17-year-olds has been frozen at £4,000 since 2014 and £3,300 for 18-year-olds, or that lecturers are paid about £7,000 less than teachers. It is not about just the money or the statistics; it is about what we value as a society and what

[Emma Reynolds]

our objectives are. If we are serious about tackling inequality and about ensuring that our young people, and adults who have perhaps missed out on opportunities at school, fulfil their potential, we need to do something about the situation.

**Louise Haigh** (Sheffield, Heeley) (Lab): In Sheffield, we have a tale of two cities. The difference in life expectancy between the east and west is 10 years. One of the biggest differences is that in the east we have little access to schools with sixth forms, so FE is a really important unlocker for social mobility. Does my hon. Friend agree that this is fundamentally a class issue?

**Emma Reynolds:** Indeed. If we are serious about social mobility, we must fund further education better. More broadly, if as a society and as an economy we are serious about attracting more investment into the UK and competing in the world and, crucially—the hon. Members for South West Bedfordshire (Andrew Selous) and for Gloucester mentioned this—if we are serious about tackling low productivity, we cannot do anything about those things unless we invest in the skills of our young people and adults. We know that we have a problem with that in the UK; it is not a new problem. It is pretty clear to everyone here that we need sustained increases in funding for colleges, and the Raise the Rate campaign will, I hope, ultimately be successful.

The colleges have done a good job in raising the problem. Often in education debates, we focus purely on the early years, which are very important, and on primary and secondary and then university education, and further education is overlooked. That is why today's debate is critical.

I say again that I hope the TVs in the Treasury are switched on to Westminster Hall this morning. I thank the Minister for her advocacy. This is not just the right thing morally; increasing and sustaining further education funding is the right thing to do for the prosperity of our country.

10.19 am

**Giles Watling** (Clacton) (Con): Thank you for putting me on the list, Sir Roger. It is lovely to be in a Chamber in which, for once, everybody is largely agreeing with each other. I congratulate my hon. Friend the Member for Gloucester (Richard Graham) on having introduced today's debate, and the hon. Member for Scunthorpe (Nic Dakin) on the cross-party campaign to get this issue on the agenda ahead of the spending review. Even in these uncertain times, we must continue to fight for causes that we believe in. This is one I believe in, because I had something to do with further education many years ago before I went off into the realms of drama—come to think of it, I am back there now.

I will focus on the much-welcomed introduction of T-levels, which provide a multi-faceted and practical approach to education and prepare students for the needs of industry. Successful delivery of T-levels requires teaching staff with specialist industry expertise, up-to-date equipment, and smaller class sizes, all of which require more funding. For T-levels to be viable, the Association of Colleges believes that we need to introduce a base rate of £1,000 per student as a minimum. We need to get those T-levels right, as they provide the knowledge

and experience needed to open the door into skilled employment. Such a potentially transformative scheme cannot be delivered on the cheap: a higher level of investment must be maintained.

**Peter Heaton-Jones** (North Devon) (Con): Yesterday, a group of us met the Chief Secretary to the Treasury to urge that FE college funding be increased in the upcoming spending review. Petroc College in North Devon is eager to get on with delivering the T-levels, exactly as my hon. Friend has mentioned. Does he agree that that is a vital thing to do?

**Giles Watling:** I agree with my hon. Friend. That is exactly what we are here to do, and judging by the comments from around the Chamber, I think that everybody else agrees with him as well.

I want this scheme to be a success, because I am sure that it would be particularly popular in my Clacton constituency. My area of Clacton lags behind the average in Essex and the national average for the number of members of the workforce without any qualification at all, which is why I encourage the Government to invest more in adult education. In fact, the only area in which we in Clacton beat the national average is the number of people who are economically active but have no qualifications; they make up nearly 10% of our workforce. I know from my conversations on the doorstep that people in Clacton have a real appetite for further education, and we have a great facility in Adult Community Learning Essex. I encourage the Government to take investment in adult learning seriously. It will pay great dividends in many areas, especially those such as Clacton, where many small and medium-sized enterprises are crying out for a skilled workforce.

10.22 am

**Liz McInnes** (Heywood and Middleton) (Lab): It is a pleasure to serve under your chairmanship, Sir Roger, and I thank the hon. Member for Gloucester (Richard Graham) for securing this important debate. I have in my constituency Hopwood Hall College, a further education college that is in the top 10% in England for level 3 progress and has the highest achievement rate for vocational level 2 in Greater Manchester. That college is rooted in our local community, and is crucial to driving social mobility and providing the skills needed to boost our local and regional economy. My partner taught art and design at Hopwood Hall before he retired. I mention that because, later in my short speech, I will refer to his experience of teaching young people.

Many young people in my constituency also choose to study at sixth-form college. In my neighbouring constituency of Rochdale, we have Rochdale Sixth Form College, which in January this year was named the highest-ranked sixth form college in the UK for value-added performance for the fifth year running. However, although my local FE institutions enjoy success, both have expressed to me their concerns about funding issues and their long-term sustainability. The Institute for Fiscal Studies has highlighted the shocking cuts to 16 to 18-year-old and adult education over the past decade. It has stated:

“Funding per student aged 16–18 has seen the biggest squeeze of all stages of education for young people in recent years.”

Those funding cuts are affecting the sustainability and quality of FE provision, with colleges having to deal with an average cut of 30% while costs have increased dramatically.



Research from the House of Commons Library shows that when the educational maintenance allowance for 16 to 19-year-olds was scrapped by the coalition Government and replaced with a bursary scheme, expenditure through that scheme was only about a third of the expenditure on EMAs. When that happened, my partner was still teaching, and I remember him telling me that students were forced to drop out of his course simply because they could no longer afford the bus fare to get to college. The scrapping of the EMA scheme was a cruel blow to the most disadvantaged students and their efforts to access an education, and a Labour Government would reinstate that scheme, which has been proven to support retention of students in education.

Clearly, something has to change; this situation is just not sustainable. The solution, as many Members have already said, is to raise the national funding rate for 16 to 18-year-olds. It makes sense to do so, as there is little point in investing in pre-16 and higher education if the pivotal stage in the middle is overlooked.

10.25 am

**Martin Vickers** (Cleethorpes) (Con): It is a pleasure to serve under your chairmanship, Sir Roger. I congratulate my hon. Friend the Member for Gloucester (Richard Graham) on his efforts to secure this debate.

We all know that Governments over the past 10 years or so have had to make some difficult financial decisions, but the FE sector has perhaps suffered more than others, and certainly more than is desirable. In places such as my constituency and the neighbouring town of Grimsby, which have suffered a significant decline over the past 30 or 40 years following the loss of their core industry, too many of our young people have been lacking a vision of the opportunities that lie ahead. FE colleges have done considerable work in building that vision; indeed, the principal at Franklin College in Grimsby said to me that his students

“go on to contribute to the town, region and country”.

**Jeremy Lefroy** (Stafford) (Con): Does my hon. Friend agree that colleges play a vital role in the community, not just through education but through a far wider range of activities, as mine in Stafford—a member of the Newcastle and Stafford Colleges Group—does?

**Martin Vickers:** My hon. Friend is absolutely right. Colleges have given young people in the Cleethorpes area the opportunity to gain vision and ambition, and have helped to retain those young people in the local area once they have qualified, which is particularly important.

In the short time I have, I will mention some of the other points that the principals at my two colleges have drawn to my attention. They have, of course, highlighted the fact that, over the past 10 years, there has been a 30% funding cut in FE colleges. The principal at Franklin College pointed out that, to start off with, that actually helped, inasmuch as principals recognised there were economies to be made and efficiencies that could be gained.

One important point both principals have drawn to my attention is that FE students in this country get 14 or 15 hours' tuition per week on average, compared with 26 hours in Canada, 27 in Singapore and 30 in Shanghai. We are in a competitive situation, and we

need to train our young people to go out and get the qualifications that enable them to compete for jobs in what is, whether we like it or not, a global economy.

The Minister can see from the number of Members who have turned up how strongly feelings on this issue run across parties. I urge her to take these points away. We will give her our full support in her battles with the Treasury.

10.28 pm

**Mrs Sharon Hodgson** (Washington and Sunderland West) (Lab): I thank the hon. Member for Gloucester (Richard Graham) for having secured this important debate. I pay tribute to all the local colleges in the north-east and especially Sunderland College—I regularly meet its representatives, who do such a great job with ever-decreasing budgets.

Between 2010-11 and 2017-18, spending on further education and skills fell by £3.3 billion in real terms. At the same time, employers are reporting another rise in the number of vacancies they are facing as a result of skills shortages. To bridge the skills gap, further education needs investment. However, over the past 10 years colleges have had to deal with an average funding cut of 30%, while at the same time costs have risen dramatically. Funding for adult education has been cut by 62% since 2010.

**Derek Twigg** (Halton) (Lab): I am fortunate to have a good college, Riverside College, in my constituency. However, one thing that concerns me about the cuts and the impact of the funding problems with colleges is that adult education, which my hon. Friend just touched on, is a second chance for many people who may not have done well at school. They have another opportunity through further education to do better. We need more support for that.

**Mrs Hodgson:** Absolutely. In the past 10 years, we have seen enrolments for adult education drop from 5.1 million to 1.9 million. Funding for students aged 16 to 18 has also been cut by 8% in real terms since 2010. The current base for 16-to-18 education is just £4,000 a year, as it has been since 2013, with no increase.

**Dr David Drew** (Stroud) (Lab/Co-op): One simple thing that could be done today would be to fund 18-year-olds at the same rate as 17-year-olds. It is absolutely wrong that they get less funding than children a year younger than them. Does my hon. Friend agree?

**Mrs Hodgson:** I absolutely agree. We also found that the budget did not increase when education became compulsory until 18. It just does not reflect the current cost of high-quality courses, including the new T-levels, as we heard from a Government Member.

I do not know whether the Minister wrote to everyone, but I got a letter from her last week, in which she said:

“A strong FE sector is essential to ensuring everyone in our society, whatever their background, has the opportunity to succeed...At its core this means colleges need strong leadership and must be financially sustainable and resilient, so that they can invest in learning and respond to changing demands.”

Given that acknowledgement from the Minister that FE must be financially sustainable and resilient, can she please justify her Department's constant budget-slashing of FE?

[Mrs Hodgson]

As we all know, education is the key to a bright future. We must ensure that everyone, no matter their age, has the opportunity to learn and develop new skills. The only way we can achieve that is for the Government to invest. I hope they are listening, and I hope the Treasury is watching, as my hon. Friend the Member for Wolverhampton North East (Emma Reynolds) said. People in Sunderland and across the country deserve better than the current funding model.

10.32 am

**Peter Aldous** (Waveney) (Con): It is a pleasure to serve under your chairmanship, Sir Roger. I congratulate my hon. Friend the Member for Gloucester (Richard Graham) and the hon. Member for Scunthorpe (Nic Dakin) on their leadership and on securing the debate.

Putting the funding of further education on a sustainable, financially secure and long-term footing is vital for those young people who will reap the dividends, for those communities in which colleges are based and for the greater benefit of UK plc. Without that investment, social mobility will decline still further and the productivity gap will widen to a chasm.

In Waveney, East Coast College, which includes Lowestoft Sixth Form College, provides an important bridge from the classroom to university and the workplace. In a coastal town where there has been economic decline, they are the cornerstone on which we can rebuild the economy and give young people the opportunity to realise their full potential.

The case for better funding of further education is strong. It will improve social mobility, particularly in those parts of the country where people have often been left behind. It is a vital stepping stone from the classroom to the workplace.

**Derek Thomas** (St Ives) (Con): Will my hon. Friend give way on that point?

**Peter Aldous**: I will carry on, if that is okay.

We are on the cusp of technological change and the advent of the fourth industrial revolution, and we are transitioning to a low-carbon economy. FE has a vital role to play in that by providing the skilled workforce that the UK needs to be a global leader. In Lowestoft, the energy skills centre is being built at East Coast College. It will provide students with the skills required for exciting, well-paid jobs in the fast-emerging offshore wind sector.

FE also better prepares students for university. The University of Suffolk has come a long way in a short time. It works closely with FE colleges across the county. A properly funded FE sector is vital if the early success is to continue to be built on.

The T-level initiative is welcome, but to be a success it needs to be properly funded. In towns such as Lowestoft, the college is an important component part of the local community and civic society.

I have got to the end without mentioning the “B” word, but I will do so now. Whatever happens with Brexit, there is no getting away from the fact that the British economy is competing in a global market. Our people

are the engine of our success. At present, due to a poorly funded FE sector, we are stuttering along in third gear. It is time to fill the tank—or, should I say, charge the battery—so that we are running in top gear.

10.35 am

**Luke Pollard** (Plymouth, Sutton and Devonport) (Lab/Co-op): It is a pleasure to serve under your chairmanship, Sir Roger. I thank my fellow west country MP, the hon. Member for Gloucester (Richard Graham), for bringing forward this timely debate.

City College Plymouth has been on something of a rollercoaster ride in recent years. The college went into financial crisis last autumn, with a series of changes in principal. The current interim principal, Penny Wycherley, has been outstanding in steadying the ship and getting ready for her successor to start this year, but we need to acknowledge that the college is in financial crisis, and that is for a number of reasons.

First, the cuts to the FE budget have reduced the overall amount of money that the college has to spend. Changes in the way that funding is allocated have disproportionately hurt many colleges in the far south-west. The college has taken on huge financial capital liabilities in building the rather brilliant new STEM hub in Plymouth, which is delivering not only for City College, but for the wider city and the priorities of the local enterprise partnership. That has contributed to an exceptionally high level of recruitment of learners aged 16 to 19, meeting the local skills gap.

**Toby Perkins** (Chesterfield) (Lab): My hon. Friend is making an important point about capital expenditure. The previous Labour Government had a Building Colleges for the Future programme, which was cancelled in austerity times. Now, many college estates simply cannot keep pace, including in Chesterfield.

**Luke Pollard**: I absolutely agree with my hon. Friend. The lack of funding has meant that City College Plymouth has been unable to keep up with many of the repairs on its old building, leading to leaking roofs. It has not been able to replace technology with what it needs and has moved to leasing technology. It now faces financial barriers in moving off leasing to get the latest technology it needs.

Funding has also had a huge impact on college staff, who have not been given a cost of living pay rise or any other pay rise this year. That is not because they are not brilliant—they are exceptional—but because there is simply no money in the coffers for the college to do that. In an economy where the skills FE college staff have are in high demand, that means we are losing talent and skills. In particular, the engineering staff can earn salaries of £10,000 more simply by leaving the college and the jobs they love, and that is not right.

We need colleges like City College Plymouth to be motoring. It is a forward-thinking college. It has just launched its fantastic marine autonomy course, which will equip our young people with the skills they need to work in Plymouth’s world-class marine autonomy sector. Importantly, it will retrain people who work on the more heavy engineering side of the marine industries in the updated skills they need to succeed in a much more integrated digital marine environment.

**Holly Lynch** (Halifax) (Lab): My hon. Friend is making a passionate case for his local college. I had hoped to do a similar thing for my local college, Calderdale College, but as the clock is ticking down, I am not going to get the opportunity. Calderdale College has been forced to close its outreach centres, cut English for speakers of other languages by 50% and close some adult learning classes completely. Does my hon. Friend agree that that is counter to the social mobility that we all agree is so important?

**Luke Pollard:** I absolutely agree with my hon. Friend.

The key message I want the Minister to take away is that we are all on her side in her battle with the Treasury. We are all ready, but we must resolve to not just talk a good talk about FE; we have to not vote for cuts to FE, and we have to make clear to Ministers, whether we are on the Government or the Opposition Benches, that we will not support further cuts to FE. An FE lecturer has tweeted me to say that people want:

“A real increase to bridge the gap, not just make it less small.”

10.38 am

**Andrew Lewer** (Northampton South) (Con): It is great to see so much support for this debate, which my hon. Friend the Member for Gloucester (Richard Graham) secured, and for his letter, even at this time of complete distraction.

I enjoyed and benefited from a traditional and formal further education at a school sixth form, Queen Elizabeth's Grammar School in Ashbourne. There are still some very good examples of that education in my constituency of Northampton South. My focus today, however, is on FE colleges such as Northampton College and Moulton College, which serve my residents.

As speaking time is extremely short, I will make two quick points. More investment and spending on FE, like other public spending, does not have to mean higher tax rates. It does mean higher tax take, though, and the two are not the same. With a happy circularity, that higher tax take is brought about by higher productivity, which is itself brought about in large measure by better and more relevant skills and training, as my hon. Friend the Member for South West Bedfordshire (Andrew Selous) said. Clearly, FE is key.

A good measure of the pressure from voters for the B word, as already referenced by my right hon. Friend the Member for Bexleyheath and Crayford (Sir David Evennett) and my hon. Friend the Member for Waveney (Peter Aldous), related to migration levels. With a reduction in migration, the need for higher level skills and training is even greater. The incentive for employers to support and demand them is all the more obvious as the need to get more out of scarcer labour and therefore pay people more grows. So it is time for us to ensure that the Government are the fairy godmother for the Cinderella service referenced by my hon. Friend the Member for Colchester (Will Quince) to ensure a glittering and glorious educational future for our country.

**Derek Thomas:** In Cornwall tomorrow there is a meeting with parents and people with special educational needs because they are being told that their days will go from five days to three. As my hon. Friend says, investing in people for the future is the right to do.

**Andrew Lewer:** I thank my hon. Friend for that comment, which stands in its own right as a very good intervention.

**Sir Roger Gale (in the Chair):** I apologise to Members who have not been called, but I am afraid time has beaten us and I now have to call the Front-Bench speakers.

10.41 am

**Gordon Marsden** (Blackpool South) (Lab): It is a great pleasure to serve under your chairmanship, Sir Roger. I congratulate the hon. Member for Gloucester (Richard Graham), my hon. Friend the Member for Scunthorpe (Nic Dakin) and the Backbench Business Committee on securing this debate today. In the time I have available I cannot do justice to the multitude of speeches made, but Members have shown a sharp eye for details about travel, EMAs, keeping rural and other colleges going, unused space, capacity opportunities, FE in the global market and the drop in level 2 and 3 qualifications.

**Jim Shannon** (Strangford) (DUP): Will the hon. Gentleman give way?

**Gordon Marsden:** No, I am not taking any interventions.

It is hugely important that FE is getting the attention it deserves; it is heartening and unprecedented in this year. Members have spent half the Session raising FE funding and raised related issues in recent education questions. The excellent Westminster Hall debate secured by my hon. Friend the Member for Cambridge (Daniel Zeichner), who is in his place, showed that not new challenges, not new issues, but new urgency was required from the Government, given the state of FE funding. The recent statistics from the Love Our Colleges and Raise the Rate campaigns have highlighted that brilliantly.

We know that the statistics are a standing rebuke to the failure of all three Governments in the past decade to fund FE adequately. The Institute for Fiscal Studies found that spending and skills fell by £3 billion in real terms between 2010 and 2011. Those needing second and third chances have been hard hit and adult education has seen its budget cut by almost half. According to the Association of Colleges,

“Over the last ten years, colleges have had to deal with an average funding cut of 30%...Further education is the only part of the education budget to have had year-on-year cuts since 2010.”

The skills Minister knows all that and, to her credit, has tried to push her colleagues in Government, the Secretary of State and the Chancellor, on the funding envelope, but so far answer comes there none. This is at a time when the massive uncertainties around Brexit and its future impact on our economy make the role of FE in delivering new hope and skills all the more essential than at any time in the past 20 years.

Despite a unified sector lobby of the Government last autumn on the need for the Government to reverse their damaging cuts, the Chancellor has persistently failed to acknowledge it. In his financial Budget of October 2018 he talked about schools getting little extras, but FE did not even get the crumbs. Both he and the Education Secretary cannot be oblivious to the demands not only of the colleges but of everyone else involved in the world of FE—the training providers



[Gordon Marsden]

who make up 60% to 70% of delivery; the employers who see skills programmes, both highly specific and generic, as essential to their success; and the LEPs, combined authorities and mayors, all of whom see such things as essential to success in the 2020s. As a consequence, the fabric of sustainability for colleges has become fretted and threadbare. Last year, the Department stated that there could be a best-case scenario of 80 colleges at financial risk and a worst-case scenario of 150.

The National Education Union's briefing states that colleges have suffered from cuts in activities such as tutorials, enrichment activities and additional courses. The Sixth Form Colleges Association has said similar things. Students have progressively had financial support reduced since the education maintenance allowance went, and the bursary fund that replaced it was insufficient. I know that the principal and teachers at the superb Blackpool and The Fylde College are moving qualifications across the piece, and they think action is overdue.

The Government must reassess urgently how they fund their apprenticeship programme. Last week Government stats showed that the apprenticeship starts between August 2018 and January 2019, two years from the levy launch, are still beneath the number of apprenticeship starts for 2016-17. A large part of that is because level 2 apprenticeship starts have fallen by more than a third in the space of a year. It is increasingly apparent that the Government levy is not designed or fit for purpose for SMEs or non-levy payers, as the Association of Employment and Learning Providers and Mark Dawe have consistently argued. We need to have a situation in which non-levy payers can train apprentices for small businesses, as some are having to turn them away.

We have seen apprenticeship figures go up, but the costs go up as well, so we have a Government, as the hon. Member for Gloucester emphasised in his speech, who need to take action at both ends of the cycle. Qualifications at levels 5 to 7 need to work. We need to sustain the fuel for them, but, as we have heard, levy payers and SMEs are starved of cash. The Government will seek to address some of the drops in qualifications through T-levels, but the money will not be seen in full until 2021-22 and we have no idea whether it will be sufficient. If there is a capacity issue, and, as we hope, T-levels take off, what capacity will the colleges have to deliver them if no additional funding is allocated by the Chancellor? Where are the institutions supposed to deliver them? Even more crucially, how will we bring them to fruition in the 2020s? Our concern is that setting T-levels simply as a competitor to A-levels will be counterproductive to their take-up and viability. We have to focus on 16 to 18-year-olds at level 3 standard whose preparation has been largely geared towards taking A-levels. Assuming that that will fly for T-levels is a risky strategy.

The AOC has said that the Government need to have a base rate increase of £1,000 per student as a minimum, so will the Government commit to that? Successful delivery requires teaching staff, as we have heard, with specialist industry expertise, up-to-date equipment and smaller class sizes. Average college pay is £30,000 compared with £37,000 in schools, and it significantly lags behind industry. The University and College Union, nationally

and its many excellent campaigns countrywide, has said the same for years. Who will actually teach the T-levels? Existing teachers who have received very little in funding for years for CPD or new teachers?

The UCU spelt out in crisp terms in its submission to MPs for this debate what they ask Chancellor and the Education Secretary to do. Pay has fallen in value by 25% in real terms since 2009. Teachers in FE colleges earn on average £7,000 less than teachers in schools. We hear a lot about red lines these days, but will the Minister commit to a red line for her Department to get that changed? Since 2010, around 24,000 teachers have left the FE sector: a third of the total teaching workforce. What will the Minister do to ensure that colleges can increase the pay of teachers and ensure that we have a qualified workforce to teach T-levels after their introduction?

It is clear from what we have heard today that more and more Members across this House, especially in this Chamber, know that FE is an essential factor in delivering the fair, socially mobile, economic and community strategies that we will need in the 2020s. We in the Labour party, with our new national education service plans and now the launch of our lifelong learning commission, see FE as an essential building block to achieve that process. Progression, progression, progression is stamped through everything that we need to do in this area as through a stick of Blackpool rock. For now and for today, what Members in this House—all of them—require from the Government is something a little more short term and modest. If the Minister wills the ends, she must will the means. She must require from the Government something a little more. We must commit here and now to start to make good on the promises and the rhetoric that have so far not been backed up with the funding that FE needs, particularly from the Treasury. She and the Treasury must hear loud and clear all of the excellent speeches and demands, and praise for their colleges and training providers, that Members have spoken of here today.

10.49 am

**The Minister for Apprenticeships and Skills (Anne Milton):**

It is a pleasure to serve under your chairmanship, Sir Roger. I congratulate my hon. Friend the Member for Gloucester (Richard Graham), ably abetted by the hon. Member for Scunthorpe (Nic Dakin), on securing this debate, which follows on from our debate on college funding on 21 January. That 45-odd colleagues attended demonstrates the considerable concern across party boundaries about further education funding. I wonder whether that is a record for a Westminster Hall debate—perhaps the Clerks will let us know.

**Scott Mann (North Cornwall) (Con):** Will the Minister give way?

**Anne Milton:** Only once—I have a lot to say and not much time.

**Scott Mann:** I am grateful. If the Minister looks around the Chamber, she will see many colleagues who represent areas that have not benefited from globalisation. As we move into a skills-based economy, may I urge her, on behalf of the people of Cornwall, to strengthen every sinew when she goes to the Treasury to argue for this money? We are desperate for these skills.

**Anne Milton:** I will come to that point in a minute.

**Jim Shannon:** Will the Minister give way?

**Anne Milton:** I would love to give way to lots of hon. Members, but time does not allow. I will make some progress.

FE delivers not only high-quality provision for 16 to 19-year-olds but lifelong learning, which was mentioned briefly. As we heard in a moving story from one hon. Member, it gives people chances to learn that they never had as a young person and the opportunity to retrain when their skills become outdated, to gain higher qualifications and to move along the career path. It also provides patient and caring support for those who are struggling to gain basic skills, opportunities for families to learn together and support for parents to help their children, as we all want to help ours. Although further education's breadth is its strength, that breadth makes it hard to define: it is not school, but it is not university, so we need to articulate a clear vision.

As hon. Members have noted, funding per student has not kept up with costs. For 16 to 19-year-olds, we have protected the base rate of funding at £4,000 until the end of this spending review period, but that has been eroded by inflation. The Association of Colleges and the Raise the Rate campaign's funding impact survey report have highlighted many of the issues and financial challenges. Reductions in 16-to-19 funding over recent years have partly been due to falling numbers of students; the number of 16 to 18-year-olds in the population has been falling for 10 years. The level is now 10% lower than in 2008-09, which poses difficult challenges for the sector, but it will start to increase again from 2020.

FE colleges are complex institutions that need to manage ebbs and flows in training provision and finance. On average, vocational courses cost more per student than academic programmes, so we provide more funding for most vocational courses for 16 to 19-year-olds through the programme cost weights. Further education institutions therefore actually receive more funding per 16 to 19-year-old student than school sixth forms, but that is purely a reflection of the greater costs.

I think that the thrust of the message from my hon. Friend the Member for Gloucester was that we need to do more to help our colleges. My hon. Friend the Member for South West Bedfordshire (Andrew Selous) spoke about the productivity potential of people who attend FE and about fairness. My hon. Friend the Member for Colchester (Will Quince) spoke about equality of opportunity; I wonder whether he might send a nice YouTube clip of this debate to the Chancellor, who I am sure would find it riveting. My right hon. Friend the Member for Bexleyheath and Crayford (Sir David Evennett) rightly noted that, despite it all, 81% of colleges are rated as good or outstanding.

Our debates on FE put the case for it front and centre as a driver of social mobility. Bearing in mind the precious little time we have had today, I am sure that the opportunity for part 2 of this debate will come very shortly. My hon. Friend the Member for Clacton (Giles Watling) and the shadow Minister, the hon. Member for Blackpool South (Gordon Marsden), spoke about T-levels, which will receive an additional £500 million in funding when they are rolled out. In fact, it was in

Clacton that I met a woman who said probably one of the most poignant things I have ever heard. She had left school with no qualifications and was a single parent with three children, but she had gone back and done level 2, level 3 and level 4 qualifications. When I met her, she was doing level 5. I asked her why she had done it—what had suddenly inspired her to do it when her children were in their teens? She said, "Because I thought I was worth it." There is nothing better to hear.

Wages of FE staff are lower than in schools. FE staff are incredibly committed individuals who carry on because of the demonstrable difference that they make to young people's lives. Further education colleges are independent and set their own wages, but that does not make recruitment and retention any easier.

Differences in life expectancy were briefly mentioned. One of the most significant correlators with poor health is level of education. Better-educated people have better health; I say that as a former public health Minister. The issue needs to be highlighted, and there may be an opportunity to expand this campaign into questions of health—I put that forward as a suggestion, and I am sure that my hon. Friend the Member for Gloucester and the hon. Member for Scunthorpe will take it on board.

One hon. Member spoke about second chances, and we often talk about third or fourth chances. I have had the privilege of seeing those fourth chances change people's lives.

**Jim Shannon:** I congratulate the Minister and the hon. Member for Gloucester (Richard Graham) on their speeches. One of the great issues in my constituency is mature students who had a family early or who did not have much interest in education at school but pursued an interest in it at a later stage. Further education can give them that opportunity, as it does at South Eastern Regional College in my constituency. Does the Minister agree that mature students need opportunities in the same way that young people do?

**Anne Milton:** Very much so. This is absolutely about those second, third and fourth chances.

My hon. Friends the Members for Winchester (Steve Brine) and for Truro and Falmouth (Sarah Newton), both former superb Ministers, are now putting their weight behind the campaign to raise the profile of FE and highlight just how important it is for the prospects of young and—never let us forget—older people.

I am pleased to hear that my hon. Friend the Member for North Devon (Peter Heaton-Jones) met the Chief Secretary to the Treasury—keep on meeting her. We also heard from my right hon. Friend the Member for Ludlow (Mr Dunne) and my hon. Friends the Members for Cheltenham (Alex Chalk), for York Outer (Julian Sturdy), for Taunton Deane (Rebecca Pow), for Cleethorpes (Martin Vickers), for Stafford (Jeremy Lefroy), for Waveney (Peter Aldous) and for Northampton South (Andrew Lewer), among many others. They all made excellent contributions.

**Rachael Maskell** (York Central) (Lab/Co-op): I hoped to speak in this debate on behalf of Askham Bryan College and York College, two outstanding colleges in York. I urge the Minister to ensure that further education colleges have a fully professional mental health service,

[*Rachael Maskell*]

because the levels of self-harm, eating disorders and even attempted suicide are way above the national average. Will she respond to that point?

**Anne Milton:** The hon. Lady is absolutely right. There are younger people, and indeed older people, for whom the school education system has not worked for whatever reason, who probably have a history of failing external examinations and who are often quite vulnerable or have special needs and all the associated problems that go with it.

We are listening to a wide range of feedback from many sources, including hon. Members present, and we are looking at the efficiency and resilience of the FE sector. The post-18 review will take a systematic view of provision and funding across post-18 education. We are also looking at levels 4 and 5, where we know that we need a much wider programme. If I had time, I would love to talk about the national retraining scheme, a partnership between the Government, the TUC and the CBI that we hope to roll out later in the year.

I must say to the shadow Minister that comparing apprenticeships today with apprenticeships before the 2017 reforms is like comparing apples and pears. I know that the apprenticeship system is not perfect, but believe me, in National Apprenticeship Week, I saw the extraordinary progress that has been made in the past year.

I am very aware that there are non-levy employers who are not yet on the apprenticeship service, and I want them to be on it as soon as possible. We are currently at the mercy of procurements and training providers. With procurements it never feels as if we are getting the right answer, but I assure hon. Members that all the levy money is recycled into the apprenticeships system.

I have been to south Devon, Bradford, Uxbridge, Harlow, Gloucester and many other places. Some colleges

are thriving and some are struggling, but it is clear to me that they all have a motivation that is rarely seen in any other sector. We have put in £470 million to help colleges to restructure, but until we collectively recognise the added value that FE colleges give us, we will not see the changes in funding that are needed. That is how we give people a chance to turn their lives around and ensure that whatever their background, wherever they come from, whatever their family do and whoever they know, they too can get a great job and a career.

I congratulate my hon. Friend the Member for Gloucester and the hon. Member for Scunthorpe once again on their campaign, and I know that they will now be joined by many others. For me, they are pushing at an open door. Amid the cries for schools funding and the concerns for universities, FE can get lost. However, if we accept not only the personal gain for individuals but the potential productivity gains for the country, the case to the Chancellor is surely clear. With tin hats on, we continue into battle to make the case for further education.

10.59 am

**Richard Graham:** This debate has been 90 minutes of passionate appreciation of and support for further education colleges. I thank the Backbench Business Committee for granting it. I also thank the hon. Member for Scunthorpe, who is my co-skipper of the campaign for fairer funding for further education colleges, and all hon. Members who have spoken today for their huge message: “Let’s get the right resources for these national engines of skills, aspiration and social mobility.”

**Sir Roger Gale (in the Chair):** Order. Before we move on, may I thank all hon. Members for the courtesy with which this debate has been handled? In one form or another, all hon. Members who remained in the Chamber and sought to intervene got in—my congratulations.

*Motion lapsed (Standing Order No. 10(6)).*



## NHS Pension Scheme: Tapered Annual Allowance

11.1 am

**Paul Masterton** (East Renfrewshire) (Con): I beg to move,

That this House has considered the effect of the tapered annual allowance on NHS pension scheme members.

I have been aware of this issue for some time, as a local MP and as a former pensions law practitioner. Primarily through the work of the journalist Josephine Cumbo at the *Financial Times*, it has come to light that it is significantly more widespread and has much more serious implications for the NHS than I had originally understood.

I do not want to take up too much time on what the annual allowance taper is and how it works, partly because it is boring and incredibly complex, but a small amount of background is needed before explaining why it is an issue in the NHS and the consequences that seem to be flowing from it.

The tapered annual allowance was introduced from 6 April 2016. In short, it meant that from the 2016-17 tax year, a reduced annual allowance may apply to all pension savings by or on behalf of a member, depending on the level of taxable income within the tax year. It applies to individuals with a threshold income of more than £110,000 and an adjusted income of more than £150,000. For every £2 that an individual's adjusted income goes over £150,000, their annual allowance for that year reduces by £1. The minimum reduced annual allowance someone can have is £10,000.

It will not be a surprise that the calculations of threshold and adjusted incomes are not simple in the least. They are massively confusing and make it very difficult to predict what tax bill will be incurred. As it cuts the annual allowance for the current year, an individual has no idea how much pension saving they can make.

**Jim Shannon** (Strangford) (DUP): The *Financial Times* reported that some doctors, GPs and dentists will receive a potential tax bill of £80,000. Does the hon. Gentleman agree that we and this Government have a duty to ensure that NHS staff have all the information so that no one faces unexpected tax bills?

**Paul Masterton**: The hon. Gentleman is absolutely right. One of the key issues is that because it reduces the tax allowance in the current year of work, it is impossible to work out what the annual allowance will reduce to, and people cannot plan. I will go on to raise some examples from my own constituents, as I am sure other hon. Members will want to do.

**Andrea Jenkyns** (Morley and Outwood) (Con): A constituent told me that he has been advised to take early retirement to avoid taxes. Does my hon. Friend agree that retaining long-serving consultants with experience in their fields is vital to the NHS's success?

**Paul Masterton**: My hon. Friend is absolutely right, and that is why the issue is so important. I appreciate that we are talking about people who earn a lot of money and who have good pension schemes, but there is a serious potential knock-on effect of very senior doctors turning down hours or taking early retirement.

**Jonathan Edwards** (Carmarthen East and Dinefwr) (PC): I received an email from a consultant who works in my constituency, informing me that one of the unintended consequences of the new arrangement is that he has reduced the number of hours he works in the NHS.

**Paul Masterton**: That is exactly right. I asked for a Treasury Minister to reply to this debate, because the underlying legislation is a Treasury issue, but it is important to have a Health Minister here today to hear at first hand the stories that are being raised by MPs.

In recent months, it has become increasingly apparent that the pension tax rules are resulting in unexpected tax charges being levied on a large number of GPs, senior doctors, surgeons and consultants right across the UK. I believe that if the issue is not addressed, serious capacity gaps in the NHS will only be made worse.

In Scotland, 7.6% of consultant posts are vacant, and more than half of those have been vacant for more than six months. There is a similar picture in the NHS in all other parts of the United Kingdom. In a recent survey by the Hospital Consultants and Specialists Association, more than 40% of the doctors questioned said that pension taxation changes had led them to change their plans and retire earlier than expected.

The way in which the tapered annual allowance operates means a significantly reduced annual allowance ceiling is hitting many of the NHS professionals that I, and the hon. Member for Strangford (Jim Shannon), mentioned in their mid to late careers. As their entire income is taken into account for the purposes of tapering, the threshold can be breached even by doing non-pensionable work, including covering for absent colleagues, extra programmed activities or waiting list initiatives. NHS staff on pay-as-you-earn cannot avoid the notional pension input amount calculation. As a result, many consultants are being hit with unexpected five-figure tax charges. A number are now dropping extra work, turning down hours or going part-time to negate or avoid the penalties.

Of course high earners should pay their fair share, and all the doctors who have contacted me want to do so, but they are paying rates of more than 60% as a result of the taper. Some are paying effective rates of more than 100%. Many consultants who continue to do non-pensionable overtime are effectively paying the Government to go to work, while receiving no additional pension benefit.

**Mr Paul Sweeney** (Glasgow North East) (Lab/Co-op): The hon. Gentleman is making a powerful, forensic speech on this critical issue facing the national health service. Several of my constituents have been in touch about it. One consultant mentioned that the impact of this issue on NHS Greater Glasgow and Clyde will be huge, because waiting list initiatives ensure that the health board does not receive penalties, so it militates against efficiency in the national health service and will cost more in the long run. It is a total false economy. Surely the Minister can take action with the Treasury to get this sorted out quickly.

**Paul Masterton**: The hon. Gentleman raises a good point. Our constituencies share a health board. The examples of people who work for NHS Greater Glasgow and Clyde show exactly the consequences and knock-on effects.

[Paul Masterton]

One surgeon contacted me to tell me that he was hit with a tax bill of £62,000 because he received a national award. People who receive a bonus or a pay rise can find themselves with a whopping tax penalty as a consequence. Rigid pay and pension rules in the NHS mean that their ability to mitigate the issue is pretty much non-existent, certainly compared with people in the private sector, because there is not the flexibility to reduce contributions or request cash in lieu of pension if there is a danger of breaching the allowance. The only option, as we have heard in Members' examples, is to opt out of the scheme altogether or drastically reduce working hours. This issue is becoming a huge driver not only of early retirement, which in itself is extremely serious, but of enforced reduced working hours. That is having an impact on NHS care and creating lost capacity. Waiting times, which are a problem in various areas across the UK, are hit because these perverse rules mean that consultants refuse the overtime that is needed to help clear the backlog.

The investigation by the *Financial Times* found that the issue had increased the risk of delays in cancer diagnosis in some parts of the UK and lengthened waiting times for procedures such as hip replacements. Critical areas such as intensive care and radiology are also being affected. One consultant said that about 50 fewer patients were being seen per week in the cancer clinics they cover, as a result of doctors turning down extra shifts.

A consultant who lives in my constituency contacted me following receipt of a tax charge of £29,000, despite doing no work outside the NHS. He told me that he will now have to drop a session of clinical work to try to ensure that it does not happen again, and that he is actively considering early retirement, having reluctantly started to reach the conclusion that there is no incentive for him to continue his career beyond the age of 60. He has been forced into that position by the clear unintended consequences of the pension system.

**David Linden** (Glasgow East) (SNP): I congratulate the hon. Gentleman on securing this debate; the interest today shows that there is probably support for a Back-Bench business debate. He is absolutely right to highlight the huge financial penalties that people are incurring. One of my constituents in Barrachnie is looking at a £15,000 bill, which he got at the end of January. That is not helpful. He has already told me that he is planning to retire early. Surely these examples only make the case to the Government that they need to take action.

**Paul Masterton:** I thank the hon. Gentleman for raising another specific case. I hope the Minister will bear in mind the added weight of evidence.

Another of my constituents, who has worked as an NHS constituent for 14 years at the Queen Elizabeth University Hospital in Glasgow told me that he is employed on a 40-hour per week full-time contract and provides eight hours per week of additional clinical work, making 48 hours in total. He does not do any private practice outside the NHS, but he was hit with an unexpected bill of nearly £17,000 as a result of the tapered annual allowance. The only way the consultant can avoid those charges is to reduce his income below

the various thresholds, and the only way he can reduce his income is to reduce the amount of work he does for the NHS. He has told me that he has no desire to do that and would happily volunteer to do extra work occasionally at weekends to tackle waiting lists or fill gaps in the service, but the tax implications make that impossible and he has already stopped doing any extra work.

Another consultant from East Renfrewshire with 16 years' experience—eight as a consultant—told me that he was actively declining extra work to support stretched services in order to avoid the tax penalties. That means that he does not apply for the discretionary points that are awarded for additional work that is taken on above the normal daily remit, such as developing new services, research and teaching. As the hon. Member for Glasgow North East (Mr Sweeney) said, that impacts not just on the daily running of services, but on the development of a culture of excellence within the NHS.

**Julian Knight** (Solihull) (Con): I apologise for missing the first couple of minutes of the debate. My hon. Friend is a great thinker on pensions, which is the main reason I wanted to come here today, and I want to ask him a very simple question. Does he wish to dispense with the annual allowance and lifetime limit, or does he want a special dispensation for senior NHS workers, who are quite high-income earners?

**Paul Masterton:** I thank my hon. Friend for his kind comments, which are undeserved. There is a wider issue of the general complexity of the systems of reliefs and allowances in the UK pensions system. I hope not that there will be one single dispensation for one area of the public sector, but that we start to recognise that we need to look at the way the system is operating more generally and to work out whether some of the allowances and reliefs are actually necessary or effective, and whether they should be subject to a broader review.

A recent report showed that over 50% of respondents reported using the NHS "scheme pays" facility to pay off their unexpected tax charges. However, this does not work for all cases, and the amount is effectively treated as a loan that is then paid back from the retirement benefit, with interest charged against the pension at high rates. That means it is usually costlier than paying up front, particularly for younger members. I fear that this issue could see us sleepwalk into a deepening workforce crisis in the NHS and result in consultants leaving the NHS early, even though they still have the skills and experience we need. Those individuals are important not just for patients, but for junior doctors in terms of the training and mentoring they receive on the job.

The British Medical Association firmly believes that long-term changes to the pensions taxation system are required in order to remove the disincentives that exist, and I certainly agree. The Library's excellent briefing on pensions taxation makes reference to the impact of changes in the annual allowance on the public sector, and notes that the 2017 report of the Doctors and Dentists Review Body requested more evidence about the impact of the annual and lifetime allowance on early departure rates. The Treasury indicated that it would consider revisions to the NHS pension scheme if there was evidence that the number of doctors and dentists taking early retirement as a result of its inflexibility was substantial.

I want to ask the Minister a series of questions, and I appreciate that she might not be able to cover them all today. A number of them fall within the remit of the Treasury, but hopefully she will be able to take those away and arrange for either herself or a Treasury Minister to get back to me. First, what discussions did the Treasury have with the Department of Health and Social Care when the tapered annual allowance was introduced, and was this ever flagged as a potential problem? Secondly, what evidence has the Treasury collected on the numbers of doctors and dentists taking early retirement, following the 2017 report? If the answer is none, why is that the case and when will analysis be carried out of the impact on changes to the lifetime and annual allowances on the NHS? If evidence has been collected, what were the findings of that analysis, and are any changes being considered?

Thirdly, what consideration has the Treasury given to a review of the annual allowance taper more generally, perhaps as part of a wider review into simplifying the incredibly complex system of reliefs and allowances in the UK pensions system? Finally, have the relevant Government Departments had any discussions with the relevant parties on whether permitting more individual flexibility in the NHS pension scheme could be a solution? That is something that NHS Employers is calling for. This issue is not specific to the NHS—I have heard in recent days from armed forces personnel—but it does appear to be an area with a particular problem.

Although I appreciate that many people will not hold great swathes of sympathy for individuals on such high earnings who will still receive high levels of retirement pension that most of our constituents can only dream of, the reality is that if this results in consultants with much-needed expertise turning down work or leaving the NHS altogether, it will have major implications for the provision of services and the quality of care our constituents receive right across the UK, whichever colour of Government is in control of their NHS.

I am sure that the Treasury did not intend these changes to force experienced and committed consultants, surgeons and GPs to do less work for the NHS, but this is the reality being faced in the hospitals that serve my constituents and the Minister's. It is good that the British Medical Association and NHS Employers recognise that this is a serious concern and met last week to discuss it, but they have not agreed a solution or a joint action plan. In reality, the ball is in the Treasury's court.

I absolutely respect and agree with the Government's position that we need to get the balance right between encouraging saving and managing Government finances, but this issue cannot be easily ignored. Legitimate aims to restrict tax perks for the wealthiest in society are exposing ever increasing numbers of long-serving and highly experienced NHS workers to massive tax charges. If we want high quality care in the NHS in Scotland and across the UK, we need senior doctors who have devoted their professional lives to the care and wellbeing of our constituents. It is ludicrous for us to face a situation in which the pensions system is acting as a disincentive and effectively forcing consultants to choose between working for nothing and affecting patient care.

I hope that this debate provides the first opportunity for us to say clearly that, whether the answer lies in adding flexibility to strict NHS pay and pension terms or with the Treasury using this as a reason to take a

fresh look at the ridiculously complicated tapered annual allowance, this is an unintended consequence of the UK's complex pension regime, which we need to sort out quickly to let those consultants get back to work.

11.15 am

**The Parliamentary Under-Secretary of State for Health and Social Care (Jackie Doyle-Price):** It is a pleasure to serve under your chairmanship, Sir Roger. I thank my hon. Friend the Member for East Renfrewshire (Paul Masterton) for securing the debate; he made a characteristically thoughtful contribution.

We are the custodians of taxpayers' money and need to manage the country's finances in a way that gives value for money and allows us to live within our means. We also need to accept that when we make changes to the tax system, it changes people's behaviour. I am grateful for the opportunity to look at these issues through the prism of the impact on the workforce in the national health service.

As my hon. Friend said, the annual allowance is a fiscal measure that operates across all pension schemes in both the public and private sectors. Alongside the lifetime allowance, the Government keep this measure under review to ensure that the benefit of tax relief on pension scheme contributions remains affordable. It is in fact one of the most expensive tax reliefs in the personal tax system. In 2015-16, income tax relief and employer national insurance contributions relief cost the Exchequer around £50 billion, with around two thirds going to higher-rate taxpayers. That is an important point to bear in mind, because we need to ensure that our tax system is progressive and managed efficiently. We will want to look at tax reliefs that favour the highest-rate taxpayers to ensure that our overall burden of tax is appropriate.

The reforms made to the lifetime and annual allowances in the previous two Parliaments are expected to save over £6 billion a year, and are necessary to deliver a fair system and to protect public finances. To ensure that the benefit the wealthiest pension savers receive is not disproportionate to that of other pension savers, the Government restrict the amount of tax relief available. The annual allowance does not taper below £10,000, and fewer than 1% of pension savers will have to reduce their saving or face an annual allowance charge because of this policy.

**Julian Knight:** Does the Minister agree that a potential issue is that this acts as a cap on the amount of tax relief that is given out? We know that this is not progressive in terms of higher-rate tax relief on pensions. Would it not be better for us to look at a system in which we have a flat rate of 25p, 28p or 30p in the pound, rather than the higher rate? That would mitigate, or mean that we did not need, those lifetime and annual allowances?

**Jackie Doyle-Price:** I shall not stray into policy that is not mine and that belongs to Her Majesty's Treasury—that is a very convenient way for me to duck the issue. It comes back to the point that the moment we start to introduce complexity into our tax and allowance system, it brings perverse incentives. The overall goal in recent years has been to bring our public finances back into kilter, having had excessive deficits. It is only natural that the Exchequer looks at where reliefs that are funded by the state are going to higher-rate taxpayers. That is



[Jackie Doyle-Price]

where we have got to with regard to the impact on public sector pension schemes, which by their nature are as we describe.

The NHS pension scheme is a generous and valuable part of staff reward packages, and is one of the best schemes available, notwithstanding the issues raised by my hon. Friend the Member for East Renfrewshire. It is right and proper for all hard-working NHS staff to expect financial security in retirement after dedicating a lifelong career to looking after the nation's health.

For some senior clinicians, the generosity of the scheme, combined with their comparatively high levels of pay, means that their pensions build up to a level that breaches tax limits. Both the annual and lifetime allowances encourage pension growth at a steadier rate that is more aligned with typical pension growth experienced across the general population. To illustrate that, under the 1995 section of the NHS pension scheme, members who accumulate pension benefits worth near the £1 million lifetime allowance will have built up a pension of around £46,000 a year, plus a tax-free lump sum of £138,000 on retirement. Pensions of that size provide substantial financial security in retirement, and it is right that the Government take steps to limit the tax incentive to save further.

My hon. Friend raised concerns about the impact on our NHS workforce. With respect to discussions between the Treasury and the Department on the introduction of the allowance, the 2015 manifesto committed to “reducing the tax relief on pension contributions for people earning more than £150,000.”

That was a manifesto commitment we had to deliver. The tapered annual allowance fulfils that commitment and applies to all contributors to pensions, in both the public and private sectors. The impacts of the change, including on the public sector, were carefully considered at the time.

My hon. Friend asked about the number of doctors and dentists taking early retirement. Data from the NHS pension scheme administrator shows that 494, 490 and 424 hospital doctors took voluntary early retirement in the financial years ending 2016, 2017 and 2018 respectively. Those early retirements represented approximately a third of all hospital doctor retirements in those years. With respect to GPs, in 2016, 695 took early retirement; in 2017, 721 took early retirement; and in 2018, 588 took early retirement. Those figures represented more than half of all GP retirements in those financial years. With respect to dentists, 145 retired early in 2016, followed by 143 and 115 in 2017 and 2018 respectively. Those retirements represented approximately 40% of dental practitioner retirements in those years. There is clearly an impact on the behaviour of practitioners.

My hon. Friend asked what consideration the Treasury has given to a general review of the annual allowance taper and the broader system of reliefs in relation to pension saving. Those are matters for the Chancellor, and the Government will continue to review all aspects of pensions policy, in line with our annual assessment of the public finances.

**Jonathan Edwards:** I am grateful to the Minister for giving way. She is highlighting some of the concerns that have been expressed about the unintended consequence

of a capacity problem for the NHS as a result of the changes to pension relief. Given that health is a devolved issue in Wales, have the British Government received any communication from the Welsh Government expressing concern about the changes?

**Jackie Doyle-Price:** I have not, but this is about the impact of the pension and tax regime on the sector. I am not aware of any conversations with the Treasury, but if the hon. Gentleman has concerns, I encourage him to make representations. There are always unintended consequences with any policy, and we always need to challenge the operation of our policies to make sure they are in the right place and to decide whether they need to be refined, tweaked or changed in any way.

The Government recognise that pension tax considerations will contribute to decisions by some senior clinicians to retire early or to reduce their NHS commitments. For those who wish to remain in the NHS pension scheme, the annual allowance is a disincentive to take on additional work and responsibilities—that is very clear. The extra income increases the impact of the tapered annual allowance.

Some clinicians may judge that a reduction in their current NHS commitments, while maintaining scheme membership, better serves their financial interests. Employers tell us that the reduction in service capacity can be difficult and that capacity is expensive to replace. I assure my hon. Friend that the Government are listening carefully to the concerns raised by senior doctors and NHS employers about the impact of the tapered annual allowance.

That doctors may seek to limit or reduce their NHS commitments is of concern to Ministers, and something on which we are keeping a close eye. Maximising the participation of our clinical workforce is clearly essential to the delivery of our ambitions for the NHS. The quality and quantity of our workforce is always an important factor in the extent of the delivery of our objectives.

As an immediate step, the Department has sought to make available to NHS pension scheme members all possible flexibility under Her Majesty's Revenue and Customs legislation and the current fiscal framework for public sector pension schemes. The BMA asked that we extend the scope of the voluntary “scheme pays” facility—implemented by the NHS pension scheme—to cover the payment of tax charges from breaches of the tapered annual allowance.

We have done that, but we have also gone further. The NHS pension scheme's voluntary “scheme pays” facility has also been extended to cover tax charges of less than £2,000, which means that, from tax year 2017-18, a member can elect for the scheme to pay 100% of their annual allowance charge to HMRC on their behalf. The “scheme pays” facility allows individuals to settle their tax charge without needing to find funds up front, but HMRC requires an adjustment to the benefits accrued by members if a defined benefit pension scheme pays an annual allowance charge. That adjustment must be just and reasonable, and with regard to normal actuarial practice.

Accordingly, the NHS pension scheme applies an interest rate to the charge paid on the member's behalf. That charge is deducted from the capitalised value of

the pension at retirement, with the interest rate set at the scheme discount rate. I recognise that, for some younger clinicians with many years before retirement, the compounding effect might influence the attractiveness of “scheme pays”, so I encourage members of the pension scheme to seek formal financial advice.

The Government will look at potential further measures. There is clearly considerable interest in this matter, and I assure hon. Members that we keep the impact of public sector pay and pensions policies under constant review, and take account of total reward and fiscal considerations. As my hon. Friend recognises, the issue is complex, and it is difficult for the Government to strike the right balance among competing interests. I do not think, however, that there is a case for exempting high-earning NHS staff, such as GPs and consultants, from a tax measure that is intended to apply to high-earning individuals. I also doubt that clinicians necessarily expect to be treated differently from other taxpayers.

The fiscal framework within which the NHS pension scheme operates is an important consideration. The NHS pension scheme, like most public service pension schemes, does not manage a fund of assets out of which pensions are paid. It is instead financed on a pay-as-you-go basis similar to that of the state pension, with contribution income defraying the cost of pensions in payment. Any change to scheme rules that provides flexibility could therefore have a significant effect on contribution income. That would have an impact on the Exchequer. We must balance that fiscal risk against the benefits of providing additional flexibility. Any proposed pension flexibility would be a matter for the Chancellor.

Clearly, this is a complex subject that we will have to keep under review in recognition of the fact that it drives behaviour in the NHS in a way that could cause us difficulties in the delivery of our overall commitments. We clearly want to retain the best, most qualified and expert staff in the NHS, and we need to be vigilant to ensure that our tax and pension benefits system does not stand in the way of delivering the best possible NHS.

*Question put and agreed to.*

11.29 am

*Sitting suspended.*

## Youth Inmates: Solitary Confinement

[MR PHILIP HOLLOBONE *in the Chair*]

2.30 pm

**Emma Hardy** (Kingston upon Hull West and Hessle) (Lab): I beg to move,

That this House has considered youth inmates in solitary confinement.

It is a pleasure to serve under your chairmanship, Mr Hollobone. I am pleased to lead this extremely important debate. Much of the focus in our criminal justice system is rightly on our failing probation system following privatisation and the rising violence in our prisons, but worryingly little attention is paid to what is going on in our youth estate—particularly to the children and young people detained there—and to the concerning use of solitary confinement.

It may come as a surprise to some people listening to our debate who know me well that I became interested in this issue, but it links closely to work we have been doing in the Education Committee on exclusions, children with special needs and disabilities, and the link between children who have undiagnosed special needs, disabilities and emotional problems being excluded and then ending up in our prison system.

What is happening to those children and young people is extremely worrying. Just before the debate started, I was saying to a colleague who sits on the Government Benches that the issue forms part of a wider picture. Although it is one for the Justice team, I hope the Minister talks closely to the Education team, as well as to social services and local government teams, about how money can be invested in our vulnerable children as early as possible to give them the best possible chance in life so that they do not end up in the criminal justice system.

No one wants to see a child sent to prison. That is a failure on the part of our societal infrastructure. Everyone would agree that, for any young child to go to prison, there must have been a failure somewhere in the support given to that child—at school or on the part of society or social services. We have failed a young person who ends up in our criminal justice system.

Young offenders institutions must balance punishing a child for committing a crime—there should of course be consequences for criminal behaviour—with the need for rehabilitation and the need to assist the child to go on to become a productive member of society who will not offend again. Having been a teacher for 11 years, I know that we should never give up on children, even when our patience has been tested to the absolute limit. I am sure that parents agree—we do not give up. If we have a child who has reached the point of being involved in criminal activity and is being rightly punished for it, youth offenders institutions should be the opportunity to turn that around and to start again.

Getting the correct balance between those goals should be the guiding principle of youth justice. Falling too far towards punishment and not addressing the problems that caused a child to offend in the first place—perhaps undiagnosed special needs or disabilities, or social and emotional problems—means that the child will reoffend immediately on release. All that we would have created is an older criminal. Falling too far towards rehabilitation means that the victims of the crime will feel let down by the system. The use of segregation in young offenders institutions does not create the right balance between

[*Emma Hardy*]

those goals—between giving young people a consequence for their actions and an opportunity to set themselves on the right path for the future.

Let me be clear about what I mean by segregation. I do not mean time out as an immediate response to violent or disruptive behaviour, or situations in which children must be physically isolated for their own protection or the protection of others. Solitary confinement—segregation, isolation or whatever else we might call it—is the deliberate removal of an individual from association with others. It was defined by the prison and probation ombudsman in a 2015 “Learning lessons bulletin” as “an extreme and isolating form of custody”.

Whatever the Minister might say in his remarks about solitary confinement and segregation—that children are not subject to solitary confinement—the Children’s Commissioner has been clear, as have the current and the previous chief inspector of prisons, that the conditions to which children are exposed fit the definition of solitary confinement.

**Mr Gregory Campbell** (East Londonderry) (DUP): I congratulate the hon. Lady on securing the debate. On the important point about a precise definition, or otherwise, does she agree that we need to get it fully and fairly established in the public mind so that we can determine year on year whether the problem is getting worse or improving? It does not help things if the goalposts change slightly, depending on the administration in place and how it does isolation or segregation.

**Emma Hardy:** I completely agree. That seems to be a sensible way to go forward with the problem. If we are to look at whether the use of solitary confinement is increasing, it makes sense to have a clear definition that everyone understands.

Most adult prisons have a dedicated segregation wing or unit, sometimes known as a care and separation unit, which allows prisoners to be moved off the main residential wings. That is mirrored in young offenders institutions, despite the fact that they hold much younger people. The conditions and rules for secure training centres, which hold even younger children, are a little better—children there are isolated in their own rooms or cells, or in empty classrooms or spaces, for shorter spans of time. We cannot escape the fact, however, that some children and young people are being held in conditions of isolation that are comparable to those for adults.

When assessing whether our existing segregation rules are fit for purpose, it makes sense to look first at the international rules setting out standards for the use of solitary confinement. The UN standard minimum rules for the treatment of prisoners, also known as the Mandela rules, state that given the devastating effect of solitary confinement on physical and mental health, it should be used only in exceptional cases, as a last resort, for as short a time as possible, after authorisation by a competent authority and subject to independent review.

The Mandela rules prohibit entirely the use of indefinite and prolonged solitary confinement—lasting more than 15 days—alongside its use for particularly vulnerable groups. Rule 45 explicitly states:

“The imposition of solitary confinement should be prohibited in the case of prisoners with mental or physical disabilities when their conditions would be exacerbated by such measures.”

Given that prohibition of solitary confinement for more than 15 days and for those with mental health disabilities whose conditions would be exacerbated by solitary, among whom we could reasonably include children, the UK clearly and worryingly appears to be straying into territory that might violate the Mandela rules.

**Victoria Prentis** (Banbury) (Con): Does the hon. Lady agree not only that children of themselves are obviously vulnerable, but that the children she is talking about are particularly vulnerable? A disproportionate number of children with autistic spectrum disorder are in prison, as are many children with mental health issues and many who have been in care.

**Emma Hardy:** I absolutely agree with the hon. Lady. We know that from overwhelming evidence. So many children in our prison system have undiagnosed special educational needs and disabilities. As I said, what motivated my interest in this issue was all the work we are doing on children with special needs and disabilities, as well as the desperate need for early intervention and early support. When these children finally get to the point at which we as a society have failed them—when they are in prison—we should be pouring in money and resources, because how else will they ever have a chance to have some sort of effective life?

There are concerns right across the board about how segregation is used in the youth estate. Last October, after investigating those concerns, the Children’s Commissioner published her report on the use of segregation in youth custody. In it, she found excessive use of segregation in the youth estate, with children locked up and isolated in greater numbers, despite the overall numbers of those in custody falling at the same time—we are sending fewer children to prison, but those we are sending are more likely to end up in solitary confinement.

The Children’s Commissioner also found that the average length of segregation had doubled, with about 70% of episodes of segregation believed to have lasted more than a week, and many of those episodes involving the repeated segregation of the same children and young people. Again coming at that from an education point of view, I would say that any behaviour consequence that just results in the same behaviour over and over again is failing—it is not working, and it is time to try something else.

While the Children’s Commissioner notes that some children choose to self-isolate for a variety of reasons, which may be behind some rise in the figures, that does not account for all of it. If individuals self-isolate on a regular basis, surely that is an indication of serious problems with that young person. By self-isolating, they choose not to be part of the collective society of the institution, which is bad for their wellbeing, increases loneliness and isolation, and hampers their safety and mental wellness.

The Children’s Commissioner is not the only one who has raised concerns; many others have done so for a considerable time. The Howard League for Penal Reform, the Prison Reform Trust, the British Medical Association, the Royal College of Psychiatrists and the Royal College of Paediatricians and Child Health all condemn the use of segregation and its impact on young people. They criticise the Ministry of Justice’s continued use of the practice.



The Royal College of Psychiatrists recently argued that punishment for punishment's sake brings out the worst in some young people, and does nothing to help them become positive members of society.

Rather than improving behaviour, solitary confinement fails to address the underlying causes, and creates problems with reintegration. I return to my previous point: what is the purpose of putting people in prison? Surely, it is twofold: it is punishment and consequence for their behaviour, and it is a chance for them to rehabilitate to become productive members of society. If we make that behaviour even worse by putting them in solitary, we are failing, because all they will do is leave prison, return to society, reoffend and cause grief and hassle for the people living in their areas.

The Howard League for Penal Reform, which does some excellent work in this area and provides legal advice and support to children in custody, reported more requests for assistance in respect of isolation than use of force. More people go to it upset about their child being isolated than about force, despite the fact that the media tend to cover the use of force more than they do isolation. In the written evidence submitted to the Joint Committee on Human Rights during its inquiry, a number of cases were highlighted, all of which make worrying reading and show that the numbers highlighted by the Children's Commissioner are not just statistics but represent real children being harmed by segregation, who will go on to commit crimes again in their local area.

The evidence included a 16-year-old white British boy who was placed in isolation, locked in his cell for 23 hours a day for days on end and allowed out only for 30 minutes of solitary exercise. A 16-year-old black British boy was placed in a segregation unit, locked in his cell all day for 37 days and allowed out only with three members of staff. A 15-year-old Asian boy with attention deficit hyperactivity disorder was segregated while his mental health deteriorated. A 17-year-old black British girl with a history of trauma was forced on to a behavioural management plan that was reportedly not compliant with the Secure Training Centre Rules 1998, and was threatened with segregation if she did not comply. The mother of a 17-year-old black British boy said he spent over a month in segregation, and reported significant mental confusion in her son afterwards. Just as worryingly, the Howard League has reported that young people who experience solitary confinement often have their access to legal advice and support denied or restricted. Will the Minister look into this issue urgently?

Some might say, "It may be slightly excessive, but these children committed crimes and deserve to be punished." They may say, "If the prison needs to segregate them to keep order, it should be allowed to." But we have to look back to our guiding principle of balancing punishment and rehabilitation. It is undoubtable from the evidence I mentioned that the balance is wrong; if we had struck the right balance, incidents of segregation would be going down, not up. It is vital that we design our system to address the underlying issues that led to the young person being sent to prison in the first place if we want to prevent future crime.

The biggest effect that segregation has on young people is on their mental health, contributing to what is already a severe and dangerous mental health epidemic right across our prison system. According to a survey by Her Majesty's inspectorate of prisons, more than

30,000 people in the whole prison system are reported to have a mental health or wellbeing issue at any one time. That is around one in three of the average monthly prison population, which is a higher rate than in the general population, where one in four people are believed to have a mental health issue. However, given the poor screening and under-resourcing in relation to prisoner mental health, the widely held belief is that the rate is much higher.

The Howard League's work on segregation—particularly its legal work to represent offenders who are subject to segregation—found that many prisoners who are removed from association are disturbed or damaged individuals who have behaved in a particular way as a result of their vulnerabilities, and who present no risk to security. Research published by the Prison Reform Trust into segregation units found that segregation was harmful to health and wellbeing, as over half of segregated prisoners said they had problems with three or more of the following: anger, anxiety, insomnia, depression, concentration and self-harm.

I keep making the same point: the problems will not go away by isolating children and young people—they will only get worse, which means these people will go out and reoffend. The Prison Reform Trust's "Deep Custody" report found that more than two thirds of the 49 officers interviewed in segregation units said that most or the vast majority of segregated prisoners had mental health needs. Many offenders said they believed their mental health was a factor in the decision to segregate them.

Not only is the Ministry of Justice segregating people excessively, but it is doing it to those who are already dangerously at risk. The reason why that is so unhealthy and why we should be so appalled at the segregation of vulnerable young people is that a wealth of evidence shows that segregation has an adverse effect on anyone, let alone someone already with a mental health condition. The key aspects of segregation noted by the Prison Reform Trust—social isolation, limited sensory stimulation, enforced idleness and increased, continuous control—are known factors in damaging an individual's health and wellbeing.

**Victoria Prentis:** I do not know the answer to this question and I wonder if the hon. Lady does: is there a proven link between segregation and suicide risk?

**Emma Hardy:** I would not want to say so without having the facts in front of me, but that is an interesting question, and I hope the Minister will pick it up in his remarks. There is certainly a link through the effect on children's mental health problems. We will have to see what the evidence says, but it would suggest there is a link.

Symptoms found in children who have been segregated include anxiety, depression, unprovoked anger, lack of impulse control, cognitive disturbances, hypersensitivity, paranoia and full-blown psychosis—to name just a handful. Those are not just minor issues. Indeed, the Prison Service's own guidance on segregation shows that it recognises the potentially damaging effect of segregation on mental health and on those who may be at risk of suicide and self-harm. Prison Service Order 1700 states:

"research into the mental health of prisoners held in solitary confinement indicates that for most prisoners, there is a negative effect on their mental well-being and that in some cases the effect can be serious."

[*Emma Hardy*]

Not only does solitary confinement have a detrimental impact on the mental health of the children, but it increases their chances of harm to themselves and others and makes them much more vulnerable to reoffending when they are released.

Those reports and findings relate to investigations and studies in the adult estate, but considering the widespread problems in the youth estate, it is more than reasonable to assume that the same issues are present in the youth estate too. It is certainly reasonable to accept that the proven negative impact on adults applies more so to children and young people, particularly when it is a widely accepted medical opinion that mental development, during which individuals are more susceptible to mental harm, does not cease until around the age of 25. Children who are more susceptible and more likely to be influenced are at risk of greatest harm.

The impact of segregation on children and young people goes beyond just the medical, because of its widespread use to restrict the ability of a child or young person to be part of purposeful activity in the institution holding them. That restricts their ability to take part in classes, studies, workshops or training that helps them increase their chances of not reoffending and of achieving a better life on the outside after their release, compared with when they went in. The Minister will know how desperately low literacy and numeracy levels are among children in prison, and how that limits their ability and chances when they are released. Surely, taking them away from study would have a further negative effect when they are released.

In theory, removal from free association, through segregation, should not prohibit access to education, but in many cases children are in their cells all day and allowed out for only 30 minutes. They do not always have access to education packs while in their cells. That has a negative mental impact. If they had something to do, and something to keep them occupied and busy in a constructive way, it would help to stave off the damaging effects of isolation on their mental health.

When the child comes out, they are further behind their peers, have even lower prospects and become vulnerable to reoffending. These children will not leave prison to go on to become productive members of society; they will leave and reoffend. That is failing children, it is failing victims of crime and it is failing society. The only thing that is changing is that young offenders are becoming adult offenders, so it is time for the Ministry of Justice to think again.

**Mr Philip Hollobone (in the Chair):** The debate can last until 4 pm. We have time for Back-Bench speeches until 3.37 pm, when we will go on to the Front-Bench spokespeople. The guideline limits are 10 minutes for Her Majesty's Opposition, 10 minutes for the Minister and the three minutes at the end for Emma Hardy to sum up the debate.

2.50 pm

**John Howell (Henley) (Con):** It is a pleasure to serve under your chairmanship, Mr Hollobone, and to follow the hon. Member for Kingston upon Hull West and Hessle (Emma Hardy). She and I talked about this issue before the debate, so there will be a lot of overlap in our presentations. I am glad that she has interpreted the

title of the debate very widely. It talks about youth inmates, which includes not only children but young adults. I will say a little bit about that in a minute.

As well as the hon. Lady's Select Committee, the Justice Committee published a report, "The treatment of young adults in the criminal justice system", some time ago in 2016-17, because we were concerned about the effectiveness of the treatment of young adults in the justice system. We looked at the needs of young offenders, their characteristics and the effective ways of working with them. We also went on a visit—this was in the days when Select Committees could go on international visits—to New York and Boston. Hon. Members may view the American system of governance as much stricter and tougher than ours. I could not disagree more. We found a much more liberal approach to the situation, with children treated kindly and efficiently, which had an enormous impact on their rehabilitation.

**Mr Gregory Campbell:** Before the hon. Gentleman moves on, although I fully accept his experience on his visit to that part of the United States, does he agree that, given the complexity of its judicial system, there may well be rapid and significant variations from state to state in the United States of America?

**John Howell:** The hon. Gentleman makes a good point. However, we chose New York because it has some of the toughest criminals. It was interesting to see how the situation was dealt with in that sort of tough environment. As I said, we found a very liberal approach.

Back here, we interviewed the parents of people who had been to youth offender institutes or prison, and I have to say that the feedback was utterly tragic. The personal circumstances of the individuals there had to be heard to be believed. We have to do all that we can to stop those sorts of occurrences. We looked at a wide range of ages—from 10 to 24—encompassing everything that the hon. Member for Kingston upon Hull West and Hessle talked about, and one thing we found was that men and boys account for a disproportionate number of people going through the criminal justice system. There is something about men and boys that needs to be tackled, and seriously.

One thing we looked at was the neuroscience involved—neuroscience has become a very trendy subject these days. A lot of work has been done on how the brain develops and matures. The evidence we heard showed that the brain develops over a much longer period, and that what we would generally describe as maturity is the last thing to develop. The hon. Lady may have experienced that with some of the children she used to teach. I hope that rings a bell with her.

It was also interesting that, as people got nearer to 18, their risk of reoffending actually increased, not decreased; there was something about reaching that age that created much more turbulence for the individuals. We all ought to look very carefully at how solitary confinement or segregation is imposed on people in that situation, because it is not something that immediately jumps out. In fact, there is strong evidence that involvement with the criminal justice system actually hinders the development of boys and men.

We need to do a risk assessment of people who are segregated or put into solitary confinement, and I will give a few examples of the stunning evidence as to why.

Learning disability among young people in the general population is between 2% and 4%, but among those in custody it is 23% to 32%—an enormous increase. Communications impairment in young people in the country is between 5% and 7%, but for those in custody it is 60% to 90%—almost all the people there have a communication difficulty. Those with attention deficit hyperactivity disorder are 1.7% to 9% of the general population, going up to 12% of those in custody, while those with autistic spectrum disorder run at a maximum of 1.2% of the general population, going up to 15% of people in custody.

We are dealing with a group of people who are, by any stretch of the imagination, vulnerable and who tend to need a risk assessment in order to assess how they are doing. I know that it has already been mentioned, but the number of people in youth custody who have already been in statutory care is running at two thirds—an enormous number. Again, that suggests that we are dealing with a very vulnerable population.

To produce the report, we went to the young offenders institution at Aylesbury, where we found that segregation was used to reduce movements among young people. However, staff said that it was used when there was a risk of gang violence. Dealing with gangs in that young offenders institution was one of the biggest tasks for staff. We asked the young people there whether they would like to be in a young offenders institution or a prison—many there at the time had been in both—and they said that the change in the justice system when going from a youth institution to an adult institution was like dropping off a cliff face. It is very important to bear that in mind, because it goes back to how they are treated in relation to solitary confinement.

The Justice Committee interviewed, and I have subsequently spoken to, Lord Harris of Haringey, who produced a very good review that looked at young people detained in cells for a long period. He found there might be occasions when it was to the benefit of the individual young person to be confined to their cell. If they were being threatened, it was better to put them in their cell. However, it needs a risk assessment of their mental health and their ability to function there. Whatever the Minister says, in my experience and that of the Committee, that does not happen routinely enough, and that is a big lack in the system.

I will quote one of the witnesses we interviewed, Dr Gooch from Birmingham Law School:

“It is the decisions that are made about how you use segregation and how you use adjudications, which are the disciplinary hearings within the prison. It is the values that you instil about where the boundaries are and what is appropriate behaviour. When you talk about grip, it is not about punitiveness. It is understanding when to lock down and when to use your security measures to their full potential”.

That sort of understanding of the situation suggests there needs to be much greater flexibility in the youth justice system.

I want to pick up on one last point: the question of purposeful activity, which the hon. Member for Kingston upon Hull West and Hessle also mentioned. I have a strong view that we need to instil as much purposeful activity as possible, whether it is in the adult or the youth section of the criminal justice system. On a former Justice Committee, I went to a prison in Denmark where the prisoners, who had a wide range of ages, cooked their own food. For safety's sake, the knives were chained to

the wall. Nevertheless, the very fact that they were able to cook their own food had a big impact on their ability to be rehabilitated. It made a great impression on me and when I came back I mentioned it to the then Secretary of State, and there are prisons where that happens now in the UK. Instilling purposeful activity into young people through education and skills training or whatever is absolutely essential. We need to keep that going if we are to tackle the problem.

I know the Minister will say that this situation never happens—he is laughing at me now—but that when it does happen a risk assessment is done. All I am saying is that in the Justice Committee's experience, that did not happen. It is not commonplace for it to happen all the time in every case. Given the history that I have given of the differences between the mental illnesses that the general population of young people have and that those in prison have, it needs to happen.

3.4 pm

**Imran Hussain** (Bradford East) (Lab): It is a pleasure to serve under your chairmanship, Mr Hollobone. I thank my hon. Friend the Member for Kingston upon Hull West and Hessle (Emma Hardy) for securing this important debate. She was absolutely right to do so, as the issue is covered much less than other wide-ranging problems in our criminal justice system. Even within the youth custodial estate as a whole, it sometimes does not get the airtime that it perhaps should. None the less, it is very important. I also congratulate her on making such powerful and substantial points. I will come on to some of the issues she raised, but she comprehensively covered a very difficult area and made particular reference to some of the international rules and laws that we are subject to and that we probably fall short of in terms of our compliance. She mentioned the Mandela rules, which I will come on to later in my speech.

The hon. Member for Henley (John Howell) spoke eloquently and drew on his previous work in this important area. He also spoke well on some of the broader issues and challenges in our criminal justice system. He highlighted some of the disparities around mental health issues—another area that perhaps does not get so much airtime in this place, but that should be of concern not least to the Minister and the Justice team, as well as more broadly across other Departments.

Hon. Members have already mentioned the report published by the Children's Commissioner's late last year, which should be a final wake-up call for the Government, as its verdict was so damning. It highlighted excessive use of segregation, solitary confinement or isolation—whatever we want to call it—by institutions holding children and young people, with a rise in the number of episodes of segregation taking place at the same time as we have seen an overall fall in the number of children and young people held in custody and a rise in the length of those episodes of segregation, with many instances going on for many weeks and sometimes months. Although that should be the final wake-up call for the Government, it is far from the first alarm that has gone off, with serious concerns repeatedly raised in recent years by a range of organisations involved in inmate and child health.

The picture painted by the Children's Commissioner and others might not be the full one; tragically, the situation could be far worse. Hampering the ability of



[*Imran Hussain*]

organisations to report effectively on the issue is the lack of data being collected by the Government. The Children's Commissioner herself stated that the lack of transparency in the recording of segregation is an issue that needs to be corrected. Her report states:

"the number and average length of periods of segregations are not published at all for YOIs...Figures for all segregations of young people should be collected centrally and included in the Youth Justice Statistics."

On such an important issue as the wellbeing of children and young people, we need better reporting and better data from the MOJ. Frankly, I am alarmed that the data is not sufficiently recorded at present.

What the data and reports do agree on, however, is that segregation has an extremely damaging effect on the mental health of all those subjected to it, and particularly children in the crucial stages of development. The World Health Organisation has identified a range of typical mental health symptoms that are presented among those who have been segregated in custody. Medical associations here in the UK, including the British Medical Association, the Royal College of Psychiatrists and the Royal College of Paediatrics and Child Health corroborate those findings. That contributes to what is now an unequivocal body of evidence on the hugely damaging effect that segregation has on health and wellbeing.

Segregation poses huge risks of psychiatric and developmental harm, and various studies show that there is also an increased risk of suicide and self-harm among those in segregation. The hon. Member for Banbury (Victoria Prentis), who is no longer in her place, asked about that, and I think there is certainly a link between suicide and segregation. Our prisons are already in a severe mental health crisis, with more than one in three offenders across the whole custody estate reporting mental health issues, and many more likely to be experiencing them. We should not be adding to those worrying figures by segregating children and young people.

We cannot look at the issue in isolation, and there are other issues within the broader custodial estate that will have an impact on it. The Children's Commissioner noted that poor child-to-staff ratios are making it harder for children to be moved around the prison. That difficulty is compounded by the overall shortage of experienced prison officers, as those who have gained vital skills and understanding, having worked with children for years, have left the prison service, and by the specific shortage of mental health-trained officers, who were forced out by Government cuts that left staff undervalued when they were being put through increasingly difficult and trying conditions.

The shortage of mental health beds across the country following underfunding and under-resourcing is also forcing many institutions to keep children and young people in segregation for long periods while they wait for mental health beds to become available. That abhorrent practice is damning of the crisis in our NHS. A report by NHS England last year that looked at the characteristics, needs and pathways in terms of the care of young people in secure settings found that 41% of young people placed in the youth justice estate had mental health or neurodevelopmental difficulties, as the hon. Member for Henley pointed out. We must ask whether we should

be sending young people with such difficult challenges to custody in the first place, and whether they would be better placed in secure medical institutions that are better equipped. It is clear to me that, with the cuts to NHS services, many mental health services are being reduced in comparison with the need for them. The justice system is being used as a dumping ground for individuals when there is no capacity elsewhere.

We cannot ignore, either, the lack of procedural safeguards that allows institutions to place young people in extended segregation. The Howard League has stated that, when it requests paperwork on isolation—even when it is the subject of a legal challenge—it faces difficulties in obtaining it. It also states that children are denied clear targets to help them move out of segregation. Particularly critical, however, are cases where institutions were unaware that external professionals such as youth offending teams and social workers should be invited to segregation reviews. Coupled with the length and nature of segregation, that all amounts to a wilful violation of the internationally recognised Mandela rules.

It must also be noted that segregation is just one aspect of the many problems with our youth custodial estate that show how unfit for purpose it is—another point highlighted by other hon. Members. One of the biggest issues is violence. The chief inspector of prisons declared in his 2017 annual report that there is not a single establishment in the youth secure estate where it is safe to hold children and young people. That was followed up by his annual report last year, in which he declared that children continue to feel unsafe in young offender institutions, and that rates of violence against both staff and young people are higher than in previous years.

The youth custodial estate also shows how great the disparity between BME and non-BME offenders has become. According to the prisons inspectorate more than half of young people in YOIs are from a black and minority ethnic backgrounds. That is a massive disparity when compared with the general population, and we should be asking deep and serious questions about why our youth justice system and custodial institutions are locking up so many young people from black and minority ethnic backgrounds.

Staff in the youth custodial estate must be able to maintain order in their institutions, but it must not be through painful restraint techniques or extreme segregation measures. That view is shared by the UN Committee on the Rights of the Child, the European Committee for the Prevention of Torture and the UN special rapporteur on torture, who all agree that segregation should never be used on children and young people. The Children's Commissioner, among others, warns about segregation practices in the youth estate, and the Minister must commit today to an immediate, independent review that has the power to make recommendations not only on the use of segregation in the youth estate, but on every facet of youth custody, with a view to rebuilding the broken system that is failing to keep children safe.

**Mr Philip Hollobone (in the Chair):** Minister, you have 42 minutes.

3.15 pm

**The Parliamentary Under-Secretary of State for Justice (Edward Argar):** As always, it is a pleasure to serve under your chairmanship, Mr Hollobone, but I suspect I will not detain the House for 42 minutes.

I congratulate the hon. Member for Kingston upon Hull West and Hessle (Emma Hardy) on securing what is—she is absolutely right—an important debate. I am grateful for the opportunity to respond. The issue has attracted much scrutiny in recent months, and rightly so. As the hon. Lady will be aware, I gave evidence on the subject to the Joint Committee on Human Rights last year. I will of course carefully consider the recommendations from the inquiry.

I am responsible, through my ministerial portfolio, only for under-18s institutions in the youth custodial estate, and of course Aylesbury is not in that group. However, in response to a point made by my hon. Friend the Member for Henley (John Howell), I want to point out that in the adult estate segregation should be used only as a last resort, when prisoners pose such a risk to themselves or others that no other suitable location is appropriate, and where all other options have been tried or are considered inappropriate. However, there is a specific approach for the under-18 estate.

I want to reassure hon. Members from the outset that children are never, and should never be, subject to solitary confinement in the UK. There is no universally agreed definition of solitary confinement, but rule 44 of the UN standard minimum rules for the treatment of prisoners—the Mandela rules that the hon. Member for Kingston upon Hull West and Hessle referred to—state that

“solitary confinement shall refer to the confinement of prisoners for 22 hours or more a day without meaningful human contact.”

Removal from association, or segregation, is different. I appreciate that the shadow Minister referred to it as segregation, while others refer to it as removal from association, but I think we are talking about the same thing. It is a last resort for the protection of the child or others. It should never be used as a punishment and our rules are explicitly clear on that. To reiterate, it can be used, and is used, only when a child in custody is putting themselves or others at risk, when no other form of intervention is suitable to protect both the individual or their peers, or staff. I just want to mention in that context that segregation can be removal to one’s own cell rather than to a segregation wing. I shall talk later about the statistics and the impact that that matter has on them.

As to safety, the shadow Minister referred to the 2017 report, and I am sure that he would acknowledge that the chief inspector of prisons subsequently acknowledged that there had been improvement, and that the 2017 verdict on the youth estate was not the current one. However, the hon. Gentleman is right to highlight what was said in 2017, because it was a shocking and important report, and we rightly considered it carefully.

Under rule 49 of the Young Offender Institution Rules 2000, children may be removed from association for the maintenance of good order or discipline, or in their own interests, for up to 72 hours. The presumption is that children should be separated—placed in their room—rather than segregated to a segregation unit, wherever it is possible to do so. Children in YOIs cannot be segregated for more than 72 hours without the authority of senior managers in conjunction with the independent monitoring board and healthcare assessments. Segregation can be authorised by the young person segregation review board for up to 14 days at a time to a maximum of 21 days; a prison group director’s authority is required

for anything beyond that. The prison group director must review any segregation of a young person that continues for 21 days, and for each subsequent period.

The youth custody service closely monitors the number of children removed from association under rule 49 of the Young Offender Institution rules, to ensure that all relevant management checks are in place—in a moment I will come on to points about mental health and educational assessments, which I know are of particular interest to the hon. Member for Kingston upon Hull West and Hessle. Those checks include the number of instances of children being removed for more than 21 days, which require a prison group director review and approval. The PGD will review the situation again after each subsequent 21-day period.

The reasons why children may be removed from association for longer periods of time vary. As the Children’s Commissioner and my hon. Friend the Member for Henley said, some may choose to “self-isolate”, and refuse to engage with the regime or mix with other children. That can happen for a variety of reasons, some of which I may come to. Other children have been involved in multiple violent incidents, and display violent behaviour towards other children or staff. Each individual case is carefully considered and reviewed to ensure that when children are removed for long periods of time, the reasons for that are appropriate, especially if they are putting themselves, or others, at risk. I labour the point about rules because it is important to be clear that safeguards are in place, and such measures are regarded very much as a last resort, often driven by safety considerations.

As I said to the Joint Committee on Human Rights—the hon. Member for Bradford East rightly highlighted this issue—accurate data is vital for the operational running of any organisation, and to understand what is happening. I asked the chief executive of the youth custody service to look into how data can be better collected and collated in a consistent format. Such data is often reported by different institutions in different ways, which limits our ability to draw the clear conclusions that we need to make evidence-based policy.

It is not true that during removal a young person will have no meaningful human contact. The child will continue to have regular contact with staff, and individual regime and reintegration plans are agreed, with the primary aim of reintegrating children back into regular association and a normal regime as swiftly as possible. Staff are expected to focus on helping children to manage their behaviour, so that they are able to return to regular association. Such reintegration plans can include visits back to residential units for activities such as association, and they could even include sleepovers in the child’s normal room as part of that process.

A member of the healthcare team must be informed within 30 minutes of a child being removed from association in a YOI, and they must complete an initial removal health screen for the young person within two hours. The hon. Member for Kingston upon Hull West and Hessle is right to highlight mental health needs, which we seek to pick up through those screenings. Along with my hon. Friend the Member for Banbury (Victoria Prentis), the hon. Lady mentioned safety in custody and the risk of suicide or self-harm. She is right to suggest that in other contexts some evidence has established a link between isolation in any context and increased mental

[*Edward Argar*]

health challenges, but in England and Wales there have been no deaths among under-18s in prison custody since 2012. As she said, we must do everything possible to ensure that mental health is protected and there is no harm, but thus far we have been partly lucky, and—more importantly—thanks to the diligence of staff in our YOIs and STCs, there have been no deaths in prison custody of under-18s.

While removed, the child must be monitored at a frequency determined by an individual and tailored assessment of their needs. It is desirable to have greater interaction between staff and the child in segregation, to help that child manage their behaviour and return to regular association more swiftly. Such interaction will also alert staff to any concerns about mental health issues, and any risk of self-harm or worse. Every child who has been subject to rule 49 of the YOI rules for a continuous period of seven days must have a detailed short-term assessment of needs initiated. Children removed for a continuous period of more than 30 days must have a detailed care plan drawn up that states how their mental well-being is supported.

**John Howell:** I hear what the Minister is saying. Will he do me a favour and ensure that he keeps an eye on the situation he has outlined, so that it occurs in every case?

**Edward Argar:** I am always willing to do my hon. Friend a favour, and he is right to highlight that point. It is important to have processes, but we need to know that they are followed. In a number of cases, I ask for random individual updates and snapshots of information, so that I can get a feel for whether things are being done the way they should be done, and I look at those files as appropriate.

Wherever possible, children should engage with the regular regime, and other children, during their time in custody. However, there are occasions when it is necessary to remove a child from association because their behaviour is likely to be so disruptive that keeping them in an ordinary location would be unsafe, either for them or for others.

**Imran Hussain:** The Minister is being kind with his time.

**Edward Argar:** There's plenty of it.

**Imran Hussain:** Perhaps that is one of the reasons why. I did not intervene earlier because I wanted to allow the Minister to progress his points, but does he draw a distinction between solitary confinement and isolation? Does he think that they are two different things? The European Prison Observatory states that those are just alternative terms, and even the former Chief Inspector of Prisons, Nick Hardwick, says that although the terminology may change, those things are the same.

**Edward Argar:** As I said clearly to the JCHR, removal from association and segregation is different from solitary confinement or isolation. The Mandela rules mention having no “meaningful human contact”, but that simply is not the case when someone is segregated or removed from association. I set out previously just how much direct, meaningful human contact continues throughout that time.

When a child in a YOI is to be removed from association, they must be supported in making representations, with governors taking into account literacy levels, whether they need help from the advocacy service and what might be behind their behaviour—I have met the Howard League, and others, who make that point forcefully and reasonably. Prior to a segregation or removal from association, our experienced staff will do everything they can to de-escalate the situation in other ways. If a young person is removed from association, it is not a case of, “That solves the problem”. That is a reaction and a last-resort response based on safety considerations, and the focus throughout will be on what can be done to support that young person back into association, and address their underlying issues or concerns.

Rule 36 of the STC rules states that a young person who has been removed from association and placed in their room cannot be left unaccompanied for more than three hours in any 24-hour period. Providers keep records on staff observations, which must be undertaken at least every 15 minutes. Authorisation for keeping children “removed from association” is escalated during that three-hour cycle, with authorisation from the duty director to extend beyond one hour. All episodes are discussed at monthly performance meetings as part of the governance and oversight arrangements. In contracted-out STCs, the YCS monitor is informed within 24 hours about any removal from association. The monitor is given a summary of every occurrence of a child being placed in their room within 24 hours, and they receive detailed incident reports that articulate the circumstances that led to that removal.

As I explained to the JCHR last year, when a child is removed from association, they are given as much access as possible to the usual regime, including education and healthcare. That includes not only the provision of education packs and in-room learning but teachers attending to children in their rooms to teach them in person so that they have regular human contact. Children in YOIs are also given time in the open air, as the hon. Member for Kingston upon Hull West and Hessle said, and access to healthcare, physical education and legal advice, even when they are removed from association.

Individual regime plans designed around the child's needs are agreed and reviewed frequently for each child by a multidisciplinary team. Staff in all under-18 YOIs have been given additional training on the use of segregation or removal from association, on the rules governing it and on how to ensure they comply with them. The use of segregation is heavily monitored by the youth custody service and the independent monitoring board, and indeed by me through my regular meetings with the chief executive of the service.

I am absolutely clear that the safety and wellbeing of the children and young adults in our care must be our highest priority, and I am committed to delivering wide-ranging reform to ensure that we are able to meet that priority in an increasingly challenging environment. The shadow Minister suggested that we needed a review of how youth justice, or youth custody, is conducted. I point him to the review conducted a few years ago by Charlie Taylor, which did exactly that. That review set out for us the direction of travel, which we are pursuing with the new secure schools programme, for example. I will touch on that before I conclude.



To provide some context, as hon. Members stated, there has been a sustained fall in the number of children entering the youth justice system in recent years. In the decade to 2018, juvenile cautions decreased by 91%, the number of first-time entrants into the youth justice system reduced by 86%, and, importantly in the context of this debate, the number of children in custody fell by 70%. The latest official statistics I have indicate that there were only 812 children in the youth secure estate as of January this year, a significant reduction from the almost 3,500 to 4,000 around a decade ago.

Those figures represent significant successes and are a testament both to the work and dedication of those who serve our youth justice sector in all capacities, and to the determination on both sides of the House to focus on rehabilitation and give young people the opportunity to reform and live a productive and successful life rather than being condemned at an early age to a life of going in and out of prison. However, that overall decline has resulted in a concentration in the youth secure estate of children who are convicted of the most serious offences—those who pass the bar above which custody is deemed the last resort for someone under 18 and demonstrate very complex behaviour.

The shadow Minister and others referred to the report by the Children's Commissioner. We studied that carefully, but we challenged a number of her assertions, as I did openly at the JCHR. There are several reasons behind our challenge. The first is the change in the nature of data collection in the period that she looked at. That is not the only reason why we have seen the number of incidents we have, but we need to be careful about the data. Previously, if a young person was segregated in their own cell, it was not recorded as a segregation; a segregation was reported only if they went to a segregation unit or wing. It is important that we have clear data on any segregation or removal from association. That is one factor. It is not the only one, but it is a factor, so I just sound a slight note of caution there.

The other reason goes back to that really concentrated cohort of people convicted of the most serious offences. The average number of children held for violence against the person has increased by 11% in the last year. The proportion of children in custody for more serious offences, including violence against the person, robbery and sexual offences, has increased from 59% to 70% over the last five years. That is due to the increase in violence against the person offences, which now account for 41% of the youth custody population. The changing mix of offenders who make up that smaller overall number plays a part in both the rising levels of violence and the challenges faced by our youth custody estate.

Furthermore, as I think the shadow Minister touched on, despite the reduction in overall numbers, there has been an increase in the proportion of children from the black, Asian and minority ethnic community in custody. They currently make up around 45% of the custodial population. I am deeply concerned about the proportion of BAME children in custody, and understanding and addressing that is a key priority for me. Since my appointment, I have had the great pleasure of working with the right hon. Member for Tottenham (Mr Lammy) on implementation of the Lammy review. We have created a dedicated youth justice disproportionality team, which is working with stakeholders and criminal justice agencies to follow the principles we set out in response

to the review, either to explain clearly why this is the case or to change the way the system works to ensure that there is not unwarranted disproportionality of outcomes for BAME children.

The hon. Member for Kingston upon Hull West and Hessle is absolutely right about the importance of not giving up on anyone, however challenging they are. Young people in custody are some of the most challenging people in our society, for a variety of reasons, as my hon. Friend the Member for Henley said. People may be challenging for mental health reasons or as a result of substance misuse. Often, people are challenging because they come from a background in which they experienced significant adverse childhood experiences or trauma, family breakup or domestic violence. There is a whole range of factors behind that. Where the severity of a crime justifies and requires a custodial sentence, our judiciary must have the power to impose one, but we should not give up on any of those young people, and we should work with them in custody to try to address the challenges and background issues they face.

**John Howell:** One of the other times children are at risk is when their parents are in prison. We at the Council of Europe have been very keen to ensure that there is very good treatment for that. Has the Minister come across that?

**Edward Argar:** My hon. Friend is absolutely right to highlight that factor. I have seen in my work on the female offender strategy the impact that a mother going to prison can have on a young person. It can put them at greater risk of offending or of becoming a victim of crime. I am not aware of the specific work by the Council of Europe, but I know that my hon. Friend is not only an extremely active and valuable participant in the Council of Europe but a strong advocate for its work, so I suspect that he will collar me outside the Chamber and raise with me the research and work it has done that I should consider carefully.

Like my hon. Friend, I believe that every child and young person in custody should have access to and be engaged in meaningful activities, including education and physical activities. The regime should be purposeful, meet the needs of the individuals, keep children occupied and active all day, and deliver the highest quality of education. That is why we have provided an additional £1.8 million of education funding for our YOIs in this financial year, and we are looking at the next iteration of the contracts for the provision of those services.

I am a particularly strong believer—even if my physique does not necessarily demonstrate it—in the benefits that sport and physical activity can bring, particularly in custody. As well as the obvious health benefits, they can provide children and young adults with a sense of achievement, discipline and purpose, and enhance their self-esteem, allowing them to take steps to transform their lives. That is why we are supporting organisations that want to work with children in the justice system and developing new partnerships between establishments, sports clubs and providers to increase access to such activities for those in custody. Members may well be aware of the twinning project that was launched last year to pair prisons with football clubs to deliver new coaching qualifications—33 premier league clubs are now signed up to that—and of the parkrun partnership, which currently operates in 11 prisons across the country, including Feltham, and is expanding.

[Edward Argar]

As I said, engaging activities need to sit alongside effective behaviour management so that children can be out of their rooms and able safely to participate in the regimes and activities provided. That is why we have developed a new approach to behaviour management. Our new behaviour management framework for the youth estate, “Building Bridges”, which was published in February and began its implementation yesterday, draws on research and best practice across our establishments and those of related sectors. It introduces a range of requirements designed to create the right conditions to encourage positive behaviour and proactive, positive cultures, and sets high-level expectations for supporting positive behaviour across all sectors of the youth estate. That will sit alongside a conflict resolution strategy, applying restorative justice principles, and the custody support plan, which will provide each child with a personal officer to work with on a weekly basis in order to build trust and consistency.

I have been encouraged by the progress made by these safety initiatives so far, but there is no room at all for complacency, as both the recent report on youth custody by the independent inquiry into child sexual abuse and the latest HMIP “Children in Custody” annual report, which the shadow Minister alluded to, have made clear. There is more work to do to ensure that youth custody is a safe and effective place for children to turn their lives around.

The HMIP report highlighted the disproportionate use of restraint and segregation in youth custody for BAME children in particular, so we have identified that as a priority area, within our wider strategy, to address race disparities within the criminal justice system. The IICSA report made a number of recommendations aimed at strengthening safeguarding arrangements for children in custody. Despite its shocking findings, we are grateful to IICSA for highlighting those issues. I have written to the inquiry’s chair, Professor Jay, to confirm that we will respond as soon as we are in a position to do so.

More broadly—I come to my penultimate point—we are underpinning all of these reforms with investment in our workforce. The shadow Minister has raised that issue not just in relation to our youth estate but more broadly; I know that he takes a close interest in it. Since October 2016, we have increased the size of our frontline workforce across the prison service by more than 4,700 officers to relieve day-to-day pressures and enable the delivery of more proactive, positive initiatives such as those I have mentioned and the key worker scheme in the adult estate. But we do not only need more staff; we must invest in their training and development to provide them with the knowledge and skills needed to meet the complex needs of those in custody. That is why I was pleased to see that the Prison Officers Association endorsed our reform proposals for the youth custody workforce last week.

We are introducing a new youth justice specialist role and funding all of our youth custody prison officers to undertake a foundation degree in youth justice and transition to that new role on promotion and at a higher pay grade. The training and duties of the role will allow staff to engage with the root causes of children’s offending and more effectively build positive and proactive relationships. More than 300 frontline staff have already

voluntarily entered into the qualification, and I look forward to welcoming the first specialists on to the wings in the coming months.

It is crucial that the workforce in the custodial estate are as representative as possible of the group of children they serve. Following the Lammy review, HMPPS made a commitment that at least 14% of new recruits would come from BAME backgrounds by December 2020. I am pleased with the progress we are making in this area; between January 2017 and December 2018 18.5% of the formal offers that were accepted for recruitment to the YCS were from BAME candidates.

Finally, as I said, we continue to work on our proposal to develop secure schools, which we believe are the transformational step in a new approach to youth custody. At present we have prisons with an educational element. What we seek with the reform, and the first secure school planned for Medway, is to reverse that presumption and create instead a school with security, with the education and progress of the young person at the heart of the vision.

I am under no illusions about the challenge we face. We are talking about children who display the most challenging needs and behaviours, and considerable vulnerabilities. Our reforms will support establishments to provide better levels of care, help meet young people’s needs and reduce the likelihood of the need to use separation. If it would be helpful, I am happy to meet the hon. Lady separately outside the Chamber to discuss the education screening, education work and mental health issues raised.

Ultimately, like all of us here, the Government wish to see a change in our system, with fewer young people entering it in the first place and, for those who do, a clear focus on rehabilitation and reducing the risk of reoffending, giving those young people a better chance at life. We want to see more children safer and happier, spending more time engaging in purposeful and constructive activities with a greater hope of a meaningful and crime-free future. I am grateful for the opportunity to respond to the debate.

3.44 pm

**Emma Hardy:** I thank the hon. Member for Henley (John Howell), the shadow Minister, my hon. Friend the Member for Bradford East (Imran Hussain), and the Minister for their contributions. I echo the point made by the hon. Member for Henley about the need to look at the risk assessments for isolation, ensure that they are routine and enforced, and to keep monitoring that closely.

I welcome many of the points that the Minister made, including his reluctance about the idea of having children in prison. He said it was a sign that society had failed. I totally accept his point about the concentrated cohort with extremely complex needs. I welcome his offer to talk to me on the education side and to look again at investing money further upstream, because the figures that the hon. Member for Henley highlighted relating to children with communication difficulties, children with ADHD and children who are autistic ending up in our prison service are shocking.

As my hon. Friend mentioned, we need to look at staff experience and staff ratios to see why so many more children are being isolated, because only so much can be explained by their having special needs and

disabilities, or undiagnosed needs. Perhaps we need to look at having more staff trained in mental health in our youth service, or specialists who know how to address and work with these young people. We also need a more joined-up approach with education and social services to prevent children from ending up in prison.

I thank the hon. Member for Henley for contributing, as well as the shadow Minister and the Minister. I hope that we will continue to have this conversation as we do not give up on any child. I hope that they can eventually become productive members of society again.

*Question put and agreed to.*

*Resolved,*

That this House has considered youth inmates in solitary confinement.

**Mr Philip Hollobone (in the Chair):** Order. The sitting will be suspended until 4 o'clock. If a Division is called during that time, we will meet back here as soon after the vote as the mover of the motion and the Minister can make it.

3.47 pm

*Sitting suspended.*

## Pancreatic Cancer

4.4 pm

**Nic Dakin** (Scunthorpe) (Lab): I beg to move,

That this House has considered treatment for pancreatic cancer.

I pay tribute to the hon. Member for Winchester (Steve Brine), who was an outstanding Health Minister and who I am sure will continue to make significant contributions to the fight against cancer. I thank members of the all-party parliamentary group on pancreatic cancer and associated charities for their work, and people watching on the Parliament channel for their interest and support.

It is time to up our game on the diagnosis and treatment of pancreatic cancer. Full marks to campaigners such as Ali Stunt of Pancreatic Cancer Action, who was inspired after surviving the cancer herself to set up a charity that focuses on improving early diagnosis in particular. We need even more people like Ali, with her determination and passion, to ensure we can make a difference. Once diagnosed, there is an urgent need for access to faster treatment for people who have pancreatic cancer.

**Mr Ivan Lewis** (Bury South) (Ind): I thank my hon. Friend for ensuring that this issue is brought to the attention of the House. Does he agree that, while there is a great emphasis on early identification of pancreatic cancer and we all share the concern that identification should come as early as possible, the speed of treatment is every bit as important? Does he agree that we have some way to go before we can be satisfied with that speed of treatment for most patients with pancreatic cancer in this country?

**Nic Dakin:** My hon. Friend is right: speed of treatment after diagnosis is an issue, and I will emphasise that in my speech.

Pancreatic cancer is the quickest-killing cancer: only one in four people survive a year and fewer than 7% of those affected in England will survive for five years or more. Those are appalling statistics, and they have not improved in this country in decades.

**Jim Shannon** (Strangford) (DUP): I commend the hon. Gentleman, who has been a spokesman for pancreatic cancer treatment and many other things in this House. I always look to him personally for his lead in these things. In the background reading I did before the debate, I saw that the latest findings showed that overweight 50-year-olds have a 25% higher chance of having pancreatic cancer. I never knew that before. That not only shows the need for people to be aware of how their weight affects their long-term health, but is a red flag that the number of pancreatic cancer patients could rise. If being overweight can lead to pancreatic cancer, we must ensure that appropriate treatment is available for that rising number,.

**Nic Dakin:** The hon. Gentleman is exactly right; the more we learn about this disease, the more we can try to do things to prevent it and to support people so that they can get early diagnosis and treatment. The chances of survival for Kevin, the husband of my constituent Maggie Watts, were no better than those of his mother,



[*Nic Dakin*]

who died of the same disease 40 years earlier. Yet other countries are doing much better; Belgium and the USA have double the survival rates of the UK. We need the Government to work with the fantastic pancreatic cancer charities—Pancreatic Cancer UK, Pancreatic Cancer Action, Pancreatic Cancer Scotland and the Pancreatic Cancer Research Fund—as well as other stakeholders to deliver a step change in outcomes for pancreatic cancer.

**Henry Smith** (Crawley) (Con): I congratulate the hon. Gentleman on securing this important debate. Sadly, in January my former caseworker died of pancreatic cancer, so I saw the sudden impact of the condition and how quickly it can affect people, as the hon. Gentleman has eloquently set out, as well as the poor survival rates. What particular lessons does he think this country can learn from Belgium, the United States and other countries where outcomes and survival rates are better?

**Nic Dakin:** I pay tribute to the work that the hon. Gentleman has done on blood cancers in particular, and other cancer awareness issues such as this. He is right that we must learn the lessons from elsewhere, and hopefully I can demonstrate that there are things we can do to help us to catch up, once the diagnosis is in place, and get faster treatment.

One of the things that frustrates campaigners such as Maggie is the danger of accepting that little can be done after a diagnosis of pancreatic cancer. There is a sense of nihilism about this disease. Maggie's optimistic initiative in response to her situation is called "Hope is Contagious", and it should energise us all to redouble our efforts. No one should be written off.

Paul Kenny is a pancreatic cancer sufferer who has contacted me on Twitter, saying he has a "slim chance" of seeing his next birthday, but adding:

"Hopefully future generations of sufferers will be prevented or given better prognoses."

Paul is right—we can do so much better, and we must.

**Mrs Emma Lewell-Buck** (South Shields) (Lab): My hon. Friend is making a powerful speech that will resonate with many people, including my own family. My lovely mother-in-law, Jean Buck, had stomach pains and was misdiagnosed with pancreatitis. She was sent home from hospital on a diet of bread and water. When back in hospital, she suffered a heart attack and slipped into a coma. Only then did the hospital suspect pancreatic cancer, but it was too late to operate, because she needed to breathe unaided and sadly she could not. That left my father-in-law, Maurice, my husband and his brother and sister with the heartbreaking decision of whether to end her life support—a decision that will haunt their grief forever. Does my hon. Friend agree that earlier diagnosis is key not only for those who are suffering, but for those left behind?

**Nic Dakin:** I thank my hon. Friend: in sharing that personal story, she makes a powerful argument about the need for better early diagnosis. Sadly, the story that she tells is the familiar one of undiagnosed general symptoms eventually, in an emergency, being diagnosed as pancreatic cancer. Very often, it is then too late to take action to address the illness. However, I want

to focus on the fact that when we do diagnose early, we need to act early to cure people, because that is an area where we can certainly up our game.

At the moment, only one in 10 pancreatic cancer patients receives potentially curative surgery and only two in 10 receive chemotherapy, meaning that a massive seven in 10 people receive no treatment at all. That has to change. Last month, I delivered to the House a petition signed by an incredible 100,600 people supporting Pancreatic Cancer UK's campaign to "Demand Faster Treatment". They are asking for pancreatic cancer to be recognised as a cancer emergency and for people to be able to access treatment within 20 days of diagnosis in order to have the best chance of survival.

That ask is based on the latest evidence and best practice from existing fast-track models for operable and inoperable patients. Those models show that treating people with pancreatic cancer within 20 days increases the number accessing surgery by 20% and the number accessing chemotherapy by 25%. Those are significant improvements. Fast-track surgery will allow more people to access life-saving treatment, and we know that the survival rate is 10 times higher for those receiving surgery. The 100,600 people who signed the petition believe that those models should be the basis of a national optimal pathway for the diagnosis and treatment of pancreatic cancer to ensure that people with the disease can be treated within 20 days.

I want to be clear that I am not talking here about early diagnosis, important though that is—hon. Members' interventions have underlined that—and I welcome the focus of the Government and NHS England on early diagnosis of all cancers. That can only be a good thing and it will help. However, there are currently many people with pancreatic cancer who have been diagnosed early enough to receive treatment but, unacceptably, do not receive it. That is the issue that I am focusing on today.

For example, more than half of people with stage 1 and stage 2 pancreatic cancer die within a year, and almost half of them, 42%, do not receive any active treatment at all—neither surgery nor chemotherapy. The data suggests that those patients are not prioritised and have not been treated as an emergency. Unfortunately, all the evidence shows that the Government's current and proposed waiting times are not fast enough for people with pancreatic cancer. A one-size-fits-all approach is not improving, and will not improve, survival rates for pancreatic cancer.

It was disappointing that the recently published interim report of the clinically-led review of NHS access standards did not take the opportunity to propose a differentiated target for pancreatic cancer. If we really want to transform outcomes, it is high time that we had differentiated targets, including a 20-day treatment target for pancreatic cancer.

Behind the statistics are real people. We have heard about some of them today, and their stories help us truly understand the missed opportunities and devastating consequences of the current system. No one did more to mobilise people to sign the petition and help make the case for faster treatment than Erika Vincent. In February 2018, Erika was diagnosed with stage 4 pancreatic cancer, yet despite its advanced nature, she was made to wait two months for treatment—something that she described as psychological torture for her and her family.

While she waited, her cancer spread, bringing her more pain and complicating the care that she would eventually receive. Erika believed that the delays to her treatment reduced the time she had left with her family. She chose to spend much of that time championing the need to treat pancreatic cancer as an emergency, believing, as I do, that pancreatic cancer patients cannot afford to wait. Sadly, Erika passed away just weeks before the petition calling for faster treatment—a petition that she had done so much to assemble and put together as part of a campaign—was presented to the House.

Erika's story stands in stark contrast to that of Liz Oakley. When Liz was diagnosed with pancreatic cancer in January last year, it took just 12 days for her to be scheduled for surgery—the only cure for pancreatic cancer. Liz had already survived breast cancer twice. She is both a testimony to the remarkable progress that has been made in the treatment of other cancers and living proof of what is possible for patients with pancreatic cancer.

There is a compelling case for treating pancreatic cancer as a cancer emergency and for creating optimal fast-track pathways. Far too many people have been lost to this disease too early. For far too long, pancreatic cancer has been forgotten, neglected, written off. The Government can commit today to changing that. Will the Government look at developing optimal pancreatic cancer pathways? Will they evaluate rolling out fast-track surgery models across England? Will they commit to the ambition of allowing people with pancreatic cancer to access treatment within 20 days of diagnosis by 2024?

Thankfully, we have seen huge changes for other cancers. Lung cancer is a good example. Back in 2005, the national lung cancer audit showed that patients with operable lung cancer were not referred for surgery, and it was shown that the surgery rate could be tripled in a cancer network within one year. Between 1985 and 2005, there were just 3,000 operations a year; that increased to 7,250 in 2016. That is inspirational. It shows what we can do. It shows what we can achieve when a cancer is treated as a cancer emergency, as pancreatic cancer must be now. Hope is contagious. Let us make it happen.

**Mr Philip Hollobone (in the Chair):** The debate can last until 4.34 pm.

4.18 pm

**The Parliamentary Under-Secretary of State for Health and Social Care (Jackie Doyle-Price):** It is a pleasure to serve under your chairmanship, Mr Hollobone. I thank the hon. Member for Scunthorpe (Nic Dakin) for the articulate and passionate way in which he made his case. He has a long history of campaigning on this issue, and long may he continue. We know that we need a conscience when it comes to driving improvements throughout the health system, and it is always instructive to hear people's experiences. I thank the hon. Gentleman for all the work that he does in chairing the all-party parliamentary groups on cancer and on pancreatic cancer.

I am very grateful to the hon. Gentleman for sharing the stories of Ali Stunt, Maggie Watts and Erika Vincent, because we need to remember that we are not talking about some vague disease that happens to other people; it happens to real human beings and their lives are incredibly affected by our failure, or otherwise, to take

action in these spheres. They also inspire us. The fact that Erika Vincent dedicated so much of her final days to raising awareness is inspirational, and we would be very poor if we did not take action following that.

I also thank the hon. Member for South Shields (Mrs Lewell-Buck) for sharing her family story. Again, she illustrated that this can happen to any one of us. When we are in a position to do something about it, we must act.

No one will be surprised that tackling cancer is a major priority for the Government. We have presided over year-on-year increases in survival rates, so that today they are at the highest levels recorded. However, we should not rest on our laurels and be complacent. That is good progress, but we must do better—our ambition is to do better.

Last October, the Prime Minister announced a package of measures with the aim of detecting three quarters of all cancers at stages 1 or 2 by 2028. These measures will see improvements to our screening programmes and new investment in state of the art technology, to further improve diagnosis and boost long-term research and innovation.

That represents the cancer element of the NHS long-term plan, published in January, which sets out how we will achieve our ambition of 55,000 more people surviving cancer for five years in each year from 2028. Colleagues will be aware that the Secretary of State is placing considerable emphasis on prevention, so we need to look at what else we are doing, in terms of screening and research, to tackle these issues. All of that is to be commended, but we must not be complacent. We can learn from the examples of Belgium and the USA, where much greater advances have been made.

The hon. Member for Scunthorpe reminds us all that survival rates for certain cancers remain stubbornly low, including for pancreatic cancer, which is the least survivable of all cancers and so merits special attention. As he alluded to, late diagnosis is a key reason for that. We know that less than a quarter of people have their cancer diagnosed at stage 1 or 2, compared to half of people for all other cancers.

The new early diagnosis ambition represents a huge opportunity to change that for three reasons. First, the ambition must apply to all stageable cancers, including pancreatic cancer. NHS England is working with Pancreatic Cancer UK and others on how we can adjust the current national measure of early diagnosis to include pancreatic cancer for the first time.

Secondly, within that headline measure, the Government are committed to publishing regular data on individual cancers. We need to be transparent about how we are performing in this area, so that we can identify which cancers we are tackling in terms of early diagnosis, and which need more attention. That will provide a powerful catalyst for all the charities to come together and work with NHS England to deliver that change.

**Nic Dakin:** I thank the Minister for the serious and thoughtful way in which she is responding to the debate. Does she think that there is an opportunity to look at a 20-day target for moving from diagnosis to treatment, which would make a real difference to this cancer?

**Jackie Doyle-Price:** Indeed. I will come to that point, if the hon. Gentleman bears with me.

[Jackie Doyle-Price]

I would like to highlight the other unsurvivable cancers that suffer from late diagnosis, which, as well as pancreatic cancer, include cancer of the stomach and oesophagus. We must ensure that we also focus on those cancers.

The focus of the hon. Gentleman's speech was that pancreatic cancer should be treated as a cancer emergency. Pancreatic Cancer UK's recent demand for faster treatment set the ambition to treat pancreatic cancer within 20 days from diagnosis by 2024. The hon. Gentleman mentioned Liz Oakley. The fact that she had treatment within 12 days shows that it can be done. We should embrace that level of ambition. While we recognise that great achievement and advance, we should ensure that that is the experience across our national health service.

What I will say does not quite meet the hon. Gentleman's request, but I think he will welcome the direction of travel. NHS England will shortly be introducing a faster diagnostic standard of 28 days for all cancer patients, including those with pancreatic cancer. That will mean that every patient can expect a definitive diagnosis—yes or no—within 28 days. Taken together with the 62-day referral to treatment standard, all patients should expect to start their treatment within 34 days of diagnosis.

I know that is not quite the target that the hon. Gentleman set me, but if we can ensure the whole system works to that efficiency, we will make great strides in tackling this. I cannot emphasise enough that we should never lack ambition in how far we are prepared to drive improvements. That standard of treatment within 34 days is the maximum, but I expect trusts always to treat patients according to clinical need and to prioritise those needing urgent treatment, such as Liz Oakley, who received treatment within 12 days.

We welcome Pancreatic Cancer UK and all other stakeholders working with the pancreatic cancer clinical community to develop practices to shorten the time before treatment even further. It is important that we continue that dialogue, not just to be reactive, but to build confidence, because poor survival rates are well understood. We do not want people to be diagnosed and automatically think that there is no hope. There is always hope, and our NHS services must ensure that people understand that.

NHS services for pancreatic cancer have improved significantly in recent years. I am grateful that the hon. Gentleman accepted that. In the spirit of demanding more, it is always good to look at how far we have come. I thank him for that. There are now clearer diagnostic pathways. Decision making is done by specialist multi-disciplinary teams.

4.26 pm

*Sitting suspended for a Division in the House.*

4.34 pm

*On resuming—*

**Jackie Doyle-Price:** I will try to remember where I left off.

Obviously, cancer treatment plays a big part in our long-term plan for the next 10 years, which sets out positive developments at every stage of the pancreatic cancer pathway. Clearly, we need to look at issues such as prevention, as we have mentioned, but the plan also signals a shift towards more risk-based approaches to screening. We will begin to test family members of cancer patients where they are at increased risk. Data suggests that 10% of pancreatic cancer cases are inherited, so screening can be a big tool with which to combat the disease.

Primary care networks will play an important new role in supporting GPs to build on the doubling in referral volumes that we have seen since 2010. Rapid diagnostic centres will provide a new referral route for patients, particularly those who go to their GP with vague symptoms, and will ensure that they get checked out quickly and accurately. From next year, many more newly diagnosed cancer patients will be offered genomic testing to help to inform their treatment planning. We will continue to invest in safer and more precise treatments, including immunotherapies, to improve survival rates. We are completing a massive upgrade of radiotherapy services across England, which will increase the support that patients can access. Finally, the plan reaffirms our commitment that every person diagnosed with cancer will have access to personalised care, including a needs assessment, a care plan and health and wellbeing support.

I will quickly say something about research. In 2017, Pancreatic Cancer UK and four other charities launched the less survivable cancers taskforce, which represents all cancers with stubbornly poor survival rates and calls for improvements in research. My hon. Friend the Member for Winchester (Steve Brine) spoke at the taskforce's launch and put the Government's full support behind it. Research into innovative medicines and treatments is extremely important. We accept that there is an unacceptable research funding gap, with less survivable cancers receiving five times less research funding than more survivable cancers, which we need to address. Cancer Research UK has prioritised increasing research into hard-to-treat cancers, including pancreatic cancer, but more needs to be done.

In closing, I reiterate that, as a Government, we have made considerable progress, but there is much more to be done. I am grateful to the hon. Member for Scunthorpe and all hon. Members who have taken an interest in the debate. I know that they will hold the Government's feet to the fire to ensure that we carry on making real improvements in treating and supporting people with pancreatic cancer.

*Question put and agreed to.*

*Resolved,*

That this House has considered treatment for pancreatic cancer.



## Puppy Smuggling

[*Relevant documents: Third Report of the Environment, Food and Rural Affairs Committee of Session 2016-17, Animal welfare in England: domestic pets, HC 117, and the Government response, HC 1003.*]

4.37 pm

**Nigel Huddleston** (Mid Worcestershire) (Con): I beg to move,

That this House has considered the matter of puppy smuggling.

It is a pleasure to serve under your chairmanship, Mr Hollobone. I am grateful for the opportunity to introduce the debate. I extend my thanks to the many organisations and bodies that have been campaigning on the issue for a long time, not least the Dogs Trust. It has one of the country's largest rehoming centres in my constituency and it is a pleasure to work with it.

This is the second time that I have introduced a debate on the topic, and I am pleased to be joined again by hon. Members from across the House. That is hardly surprising, given that there are 9 million dogs in the UK—probably more; we do not know exactly—and many more dog lovers. I also have here a book that contains the pledges of 137 Members of Parliament who are committed to stopping puppy smuggling. I hope that that conveys to the Minister how deeply concerned we are about puppy smuggling. I am not the only person in the House who has concerns about the issue being raised by a significant number of our constituents.

In the previous debate on the topic, I told the Chamber that puppy smuggling was a multimillion-pound underground—

**Chris Evans** (Islwyn) (Lab/Co-op): On a point of order, Mr Hollobone. There is no Minister present. Is that in order?

**Mr Philip Hollobone (in the Chair)**: Thank you for pointing that out. It is not in order for the Minister not to be present. In the circumstances, we will suspend the sitting until he arrives and allow Mr Huddleston to start his speech again then.

4.39 pm

*Sitting suspended.*

4.40 pm

*On resuming—*

**Mr Philip Hollobone (in the Chair)**: The sitting is resumed and I invite Mr Huddleston to restart his speech.

**Nigel Huddleston**: I beg to move,

That this House has considered the matter of puppy smuggling.

Thank you, Mr Hollobone, and it is a pleasure to serve under your chairmanship. Once again, I am grateful for the opportunity to introduce this debate today. I also extend my thanks to the many organisations and bodies that have campaigned on this issue for many years, in particular the Dogs Trust, which has one of the country's largest rehoming centres in my constituency. It is a pleasure to work with it.

This is the second time that I have secured a debate on this topic, and I am pleased to be joined again by so many colleagues of different parties from across the House. That is not surprising, as there are 9 million dogs in the UK and many more dog lovers.

I also have with me today a book containing the pledges of more than 137 MPs, and I think more MPs will be signing today, showing that they are committed to stopping puppy smuggling. I hope that that conveys to the Minister, just how deeply concerned we are about puppy smuggling, and I know that I am not the only Member of Parliament who will say that this issue is also of great concern to my constituents.

In the previous debate that I secured on this subject, I told the House how puppy smuggling was a multi-million pound industry—an illegal trade. Hundreds of puppies are intercepted at our ports and borders each and every year. I will come on to some of the issues surrounding security at our borders a little later, but it is likely that thousands more puppies slip through the net and remain unidentified.

**Maggie Throup** (Erewash) (Con): I thank my hon. Friend for giving way and also for securing this really important debate. He talked about measures being put in place at the borders. However, does he agree that it is not only important for us to put measures in place in the UK but that we need international co-operation as well, to stamp out this horrendous practice?

**Nigel Huddleston**: My hon. Friend makes an important point, and I will come to some of the recommendations later on. Although much of the focus of my recommendations will be on what the UK Government can do, we also need to lobby internationally to ensure that there is fair treatment and awareness across countries.

**Emma Little Pengelly** (Belfast South) (DUP): On that specific point, there is a particular issue with the Irish border; it is estimated that about 30,000 puppies cross it every year. So, although we can secure the borders of the United Kingdom, we also need to co-operate with other countries, including the Republic of Ireland, to see what can be done to ensure that the likes of that land border, which is very difficult to put checks along, can still have checks in operation, and it is also particularly important to have checks at ports in the Republic of Ireland as well.

**Nigel Huddleston**: The hon. Lady is making another very important point. Of course, there are particular sensitivities around the border between Ireland and Northern Ireland that we are all aware of. Her point is very important, and it deserves very careful consideration, so I thank her again for raising it.

**Andrea Jenkyns** (Morley and Outwood) (Con): Does my hon. Friend agree that unscrupulous dealers are now taking advantage of the pet travel scheme and that that scheme needs to end after Brexit?

**Nigel Huddleston**: I thank my hon. Friend for making that point; indeed, I am just about to come on to it. I think we are suffering from the unintended consequences of some changes in schemes and programmes.

[Nigel Huddleston]

Of course, puppy smuggling at heart is an industry perpetrated by people who are motivated purely by money. They can make up to an incredible £35,000 per week by illegally transporting puppies through our borders, to be sold to unsuspecting dog lovers in the UK. The root cause of puppy smuggling seems, indeed, to be the ease with which gangs can abuse the pet travel scheme that operates across Europe, which is otherwise known as PETS.

**John Spellar** (Warley) (Lab): I thank the hon. Gentleman for giving way; he rightly identifies the large sums of money that can be made either by individuals or by organised crime gangs. These criminals appear to make a very fine cost-benefit calculation, which reinforces the need, expressed by a number of animal charities, to increase the penalties for maltreating animals. There should also be confiscation of vehicles, so that this business is no longer a paying business.

**Nigel Huddleston:** I thank the right hon. Gentleman for making that point. Indeed, many and various recommendations have come out of this debate, and of course disincentivising this really despicable trade in every way we can is very important. Penalties, fixed fines and indeed criminal sanctions are, of course, the things that we all need to consider.

**Damian Green** (Ashford) (Con): I am grateful to my hon. Friend for giving way. Is it not also the case that as well as increasing penalties, which I strongly agree with, it is important that those penalties are available against a wide range of offences? There has been some argument that the specified offences in the current draft of the Act are not wide enough to cover all the offences that will be committed in the process of smuggling puppies.

**Nigel Huddleston:** I thank my right hon. Friend for raising that point; I am sure that the Minister is listening to it and to other points, and will respond to them. As I have said, there are many things we need to focus on. Of course, changes in the law are being considered. For example, the animal cruelty sentences will not just be specifically for puppy smuggling; they will cover a wider range of offences, and we need to make sure that the range is as broad as possible.

I had said that there were some unintended consequences to PETS. In an effort to harmonise travel between European countries, PETS was relaxed in 2012. Among the changes were the removal of the requirement for a puppy to have had a rabies blood test and a lowering of the minimum age for travel from 10 months to just 15 weeks. Since the relaxation of the PETS rules, there has been a considerable rise in the number of puppies entering the UK. In 2011, just 85,000 puppies legally entered Great Britain, but by 2017 that figure had more than trebled.

**Marsha De Cordova** (Battersea) (Lab): I congratulate the hon. Member on securing his second debate on this vital issue. My constituency is home to Battersea Dogs and Cats Home, which is incredibly concerned about this particular issue. Does he agree that, rather than a reduction in the market, there needs to be a wholesale ban on the smuggling of all puppies?

**Nigel Huddleston:** I thank the hon. Lady for that intervention; indeed, I also pay tribute to the Battersea Dogs and Cats Home for what it has done. And she makes a very valid point. All of these options need to be carefully considered.

Hundreds of puppies are intercepted at our ports each year, and although we cannot accurately assess the scale of the puppy smuggling trade—it is, after all, illegal and therefore difficult to assess fully—it is likely that the true number of puppies being smuggled into the UK reaches into the thousands and not just the hundreds.

The most recent report into puppy smuggling by the Dogs Trust has also uncovered an alarming new trend of puppies from non-EU countries, such as Serbia, being taken to EU member states, given fraudulent EU pet passports and then smuggled to the UK from there.

**Alex Sobel** (Leeds North West) (Lab/Co-op): I recently spoke to a constituent who had driven 200 miles to pick up a French bulldog puppy. It was meant to be the perfect family pet, but after its first check it emerged that it had both heart and kidney problems, as a result of bad breeding practices at what turned out to be a puppy-farming operation. I wholeheartedly support the hon. Gentleman's call for better regulation of puppies entering the UK.

**Nigel Huddleston:** I thank the hon. Gentleman for making that point and I will be coming on to that issue in a moment.

Through good will and because they want to enjoy and care for an animal, families are sometimes led into doing something that is not appropriate for the animal. The animals' circumstances can be horrible and they are not always in a great condition, which is extremely alarming.

**Tracey Crouch** (Chatham and Aylesford) (Con): I am grateful to my hon. Gentleman for giving way and I congratulate him on securing this debate. I know that he is desperately trying not to mention the "B word" in this debate; I think we can all appreciate that. However, does he agree that one of the advantages of leaving the European Union will be that it will offer an opportunity to introduce far-reaching animal welfare regulations that go beyond the existing framework, including the reintroduction of tests for rabies?

**Nigel Huddleston:** I thank my hon. Friend for her intervention; indeed, one of the recommendations that I will come to in a moment is to introduce a test for rabies. We cannot do so at the moment, because we are in the EU, but that is an opportunity that we could take once we have left the EU. I also thank her for raising the "B word".

Puppies should be at least seven months old before travelling to an EU member state from a third country, but the Dogs Trust found that in Serbia puppies as young as 10 weeks were given fake documentation, so that they could gain entry to the UK.

It is worth reflecting on the truly awful conditions that some of these poor animals have to endure. To evade detection, puppies are sometimes squashed into the hollow of backseats or covered in blankets and bundled under a front seat. They are often sedated to

prevent them from making any noise or moving around. The Dogs Trust has told me that it has intercepted at the border puppies that have been given such heavy doses of sedative that it has taken them several days to come to. Travelling to the UK by car from countries such as Lithuania, Latvia and Serbia can take up to 30 hours, during which time puppies are given no toilet breaks, no time to exercise and very little, if any, food and water.

One case that exemplifies just how awful the trade is, is that of Lola, a French bulldog who was transported hundreds of miles from Lithuania, with temperatures in the van she was smuggled in reaching more than 40° C. She was heavily pregnant and it is illegal for a travelling pet to be pregnant. Shortly after being taken in by the Dogs Trust, she gave birth to four puppies, but it was such a difficult birth and she had been through such a traumatic experience that two of them were stillborn.

Lola has since had a number of health issues, ranging from infections to respiratory diseases, with some requiring surgery, but the Dogs Trust has managed to arrange treatment and she has been successfully rehomed. However, had Lola not been detected at the border, she and her puppies would have been advertised online and sold to an unsuspecting family who had no knowledge of the state of their health. Imagine someone bringing a new puppy home to their family, to very excited children, only to discover that it was unwell, possibly diseased and requiring treatment that could cost thousands of pounds.

The trauma of the journeys these puppies are forced to endure often leads them to develop behavioural issues and some, unfortunately, do not recover from their health issues and end up being put down. After rescuing 39 puppies from one commercial dealer, the Royal Society for the Prevention of Cruelty to Animals found that six needed to be put down immediately and two thirds had congenital defects. The RSPCA has also cited an investigation that found that about 20% of puppies bought on the internet died within six months.

What can be done to put an end to this trade? There have been many suggestions and, as has been mentioned, some of the changes can be made once we have left the EU. I wish to acknowledge and show my appreciation for the fact that the Government take animal safety and welfare seriously—for example, all the work that they have done on the banning of ivory sales and third-party sales of puppies. But they could, and should, go further. For instance, I urge them to bring before Parliament as soon as possible the already promised increase to five years of the maximum sentence for animal cruelty. That would apply to puppy smuggling.

I also ask the Government to consider introducing on-the-spot fines for those caught illegally importing dogs, and I encourage them to improve the presence of border officials at our ports, to carry out more visual checks at all hours of the day, every day of the week. The current disparity in the border presence between office hours and weekend and evening slots can all too easily be exploited by smugglers.

Post-Brexit, the Government could reintroduce a requirement for dogs to have a rabies blood test and set a restriction on how soon after the test they could travel. That could increase the age at which dogs could legally enter the country to six months, say. The benefits of that in tackling puppy smuggling are twofold: it is

much easier for officials to assess accurately the age of puppies once they have reached six months, and the incentive to smuggle puppies in the first place would be reduced because they are less desirable to the public once they are that bit older.

I know that the Minister is familiar with the issues we have raised; he and I have had many conversations in the past. Colleagues wish to bring up many other points, so I will finish my speech. I know that the Minister will listen carefully, and I look forward to his response.

**Mr Philip Hollobone (in the Chair):** The debate can last until 5.40 pm. I am obliged to call the Front-Bench spokespeople no later than 5.17 pm, and the guideline limits are five minutes for the SNP, five minutes for Her Majesty's Opposition and 10 minutes for the Minister, and then Nigel Huddleston will have a few minutes to sum up the debate. Until 5.17 pm, it is Back-Bench time, and nine Members are seeking to contribute. I want everyone to be able to do so, so I am afraid there will have to be a time limit of two and a half minutes to ensure that everyone can get in.

4.54 pm

**Angela Smith (Penistone and Stocksbridge) (Ind):** It is a pleasure to serve under your chairmanship, Mr Hollobone. I congratulate the hon. Member for Mid Worcestershire (Nigel Huddleston) on calling this very important debate. I will not go through the detail he laid before us.

It is clear that puppy smuggling is a problem that has grown significantly in the past few years. Let us be clear that the pet travel scheme—PETS—has been a great boon to many pet owners, enabling them to take their much-loved pets around the continent without the need for quarantine. I think there is broad consensus that the 2012 relaxation and harmonisation of the rules governing the scheme made it even easier to take pets across borders. However, in a country such as the UK, where for many years demand for puppies has outstripped supply, that was always going to increase the risk of smuggling activity on the part of unscrupulous dealers ready to make cheap money out of a grossly unethical and cruel trade.

Illegal puppy smuggling involves poor breeding practices and sometimes appalling conditions, with many of the puppies suffering disease. The hon. Member for Mid Worcestershire laid out the detail on that very well. Many puppies are not properly vaccinated and false certification of the animals as they are sold on to unsuspecting individuals here in the UK is a key part of the illegal trade.

If we are serious about animal welfare and committed to preventing the suffering of such animals, immediate action is needed to improve enforcement of the pet travel scheme. It is clear that we need tougher penalties for those caught illegally importing dogs. We have waited a long time for the Bill that would allow for five-year sentences for animal cruelty offences and my key question to the Minister is: when will we see that Bill? If the Government do not publish it and have its First Reading, they should let a Member do it via a private Member's Bill. We can do it quickly—in a day—if we have the will. The focus on enforcement must also be shifted away from the ferry companies and Eurotunnel to Government agencies, with visual checks of dogs entering the country.



[Angela Smith]

I will leave it at that. I do not have much time and others want to speak. I want to hear the Minister's view, particularly on those animal cruelty sentencing powers.

4.57 pm

**Rachel Maclean** (Redditch) (Con): It is a pleasure to serve under your chairmanship, Mr Hollobone.

I care a great deal about this issue, as do many of my constituents. I am a dog lover, and the proud owner of two rescue dogs, Phoebe and Herbie, who give me such joy. I want to speak about this matter and, like the many constituents who have written to me, to call for more action.

Our exit from the EU affords us an opportunity to improve on what is already a good regime. I am delighted that my constituency neighbour, my hon. Friend the Member for Mid Worcestershire (Nigel Huddleston), has secured this debate and laid out in his comments all the actions that need to be taken. I do not, therefore, need to add much more, but will just touch on some brief points.

Three areas need to be looked at: our efforts at the border; our internal regulations; and the international engagement we pursue. As hon. Members have mentioned, central and eastern European countries—Hungary, Poland and Romania in particular—most often provide the supply of puppies, which feeds a growing demand for fashionable dogs. Given the rise in the demand for fighting dogs too, other nations are becoming involved, including the USA; it is worth noting that some 13 American bulldogs have been intercepted at the border in the past year. However, the issue is predominantly a European one, and the EU pet travel scheme is routinely abused, allowing puppies to cross our borders to feed the growing demand. Forged documents, corrupt vets and an absence of border checks in the Schengen area all contribute to that environment.

Although we are leaving the European Union, we are not leaving Europe or this problem behind, so we have to keep working with the states that are most heavily involved. Lithuania, for example, has introduced legislation that means that pet passports can be issued only by a vet from the state veterinary service. Figures from the Animal and Plant Health Agency show a huge reduction in the number of illegally landed dogs, from 106 in 2016 to just three in 2018. However, more countries need to act. Many countries are involved, and we need to co-operate with them all.

Many of the steps that have been outlined are not new, but they would bring the regulations back up to a more robust level and deter criminals from smuggling puppies into the UK. I pay tribute to Battersea Dogs and Cats Home and the Dogs Trust. I was delighted to go with my hon. Friend the Member for Mid Worcestershire to Downing Street to present the petition, and I thank everyone for their efforts in clamping down on the trade.

4.59 pm

**Patricia Gibson** (North Ayrshire and Arran) (SNP): I am delighted to speak in this debate, and I thank the hon. Member for Mid Worcestershire (Nigel Huddleston) for securing it.

We know that puppy smuggling is increasing, but the scale of the problem is, by its nature, difficult to assess. Puppy smuggling now represents the third most frequent organised criminal activity to emerge from the RSPCA's intelligence gathering, with only animal fighting and illegal hunting more frequent. The challenge is that the deterrents against that type of criminal behaviour are simply not robust enough: the fortunes that can be made far outweigh the punishments meted out, and that has to change. The real way to stop this barbaric trade is to enhance public awareness of the issue by highlighting the consequences of this vile illegal trade for dogs and for families.

The Dogs Trust and others have warned that damaging changes to the pet travel scheme in 2012 have resulted in an influx of puppies being illegally imported from central and eastern Europe into the UK for sale, with corrupt breeders abusing the system. Such mistakes must not be compounded inadvertently, but must be comprehensively addressed. An important aspect of tackling that abuse is cross-border co-operation with our European neighbours, and I hope—to mention the “B” word—that any form of Brexit, should it happen, does not prevent such co-operation between the UK and Europe. The European Parliament called last year for new resolutions to end the illegal trafficking of pets, and is working towards them. Whether we are in or out of Europe, we in the United Kingdom need to be part of those efforts.

I urge the Minister to work with our European partners to ensure that the microchipping of pets across the member states of the EU is more harmonised, as that would enable a more compatible database. We know that criminal gangs have taken advantage of the lack of harmonisation of ID, registration and database requirements to circumvent the pet travel scheme and use it as cover for the mass illegal smuggling of puppies. Harmonisation would strike a significant blow to the heart of this barbaric, illegal trade. We are nations of animal lovers, and we cannot delay any longer.

5.1 pm

**Sir David Amess** (Southend West) (Con): I congratulate my hon. Friend the Member for Mid Worcestershire (Nigel Huddleston) on introducing this debate, but we have discussed this issue so many times and now we need action. I rather agree with the hon. Member for Penistone and Stocksbridge (Angela Smith), in that I look to my hon. Friend the Minister to do something about this issue.

I have had two rescued pugs—a difficult breed. At the moment, we have a French bulldog; my daughter has it at the weekends, and my wife and I have it during the week, so we have the best of both worlds. Of course, puppies are very cute, but looking after them is a huge responsibility.

As we have heard from my hon. Friend the Member for Mid Worcestershire, an unintended consequence of the pet travel scheme and the relaxation of EU legislation has been an increase of smuggled puppies into the UK. It appears that those smugglers have easily been able to falsify pet passports and vaccine documentation, because enforcement at the borders is simply not good enough. It would be wonderful if my hon. Friend the Minister could explain how he and the Department intend to deal with the issues we face at those borders.

In 2012, when the rules were relaxed, the number of dogs entering the UK under PETS increased by 61%, and the age at which they could be imported was reduced from about 10 months to just 15 weeks. That has made it easier for smugglers to flout the rules and bring in unvaccinated puppies who are too young to travel.

As we have already heard, we are a nation of animal lovers; let us prove it. Through a simple Bill, we could change the way in which puppies are treated, and dealing with the wicked online behaviour of these crooks and criminals is key to that. We need to hear a strong message from the Minister.

**Mr Philip Hollobone (in the Chair):** Westminster Hall would not be complete without Jim Shannon.

5.3 pm

**Jim Shannon (Strangford) (DUP):** I congratulate the hon. Member for Mid Worcestershire (Nigel Huddleston) on having set the scene, and thank him for giving us a chance to speak on this issue. With a wife who is as dedicated to her volunteer work at Assisi as I am to this House, it is little wonder that I stand to speak today. I am also an animal lover, and a dog lover in particular, so I wanted to weigh in during this important debate. I thank the charities that work in this area, such as the RSCPA, Battersea Dogs and Cats Home, Dogs Trust and Assisi, as well as the World Dog Alliance, which campaigns against dog meat as food; I look to the Minister to give a quick update about where we are on that issue, if he can. That charity has been very involved in educating people to be aware of exactly where their puppy has come from.

My parliamentary assistant recently bought a dog, and I will tell Members what she did, because it is what we should all be doing. She asked to see the mother and the father of the dog; she checked with a registered vet as to how many litters the mother had; she went to the home of the owners for a second visit to see mums and babies; and she asked for the papers of the parents. She was as thorough in doing that as she is in her work with me. She also told me that before I spoke in the last debate on puppy smuggling, she would never have done that. That is what we should all be doing, and that was a plus for her.

**David Simpson (Upper Bann) (DUP):** This will probably be the fastest speech that you have heard, Mr Hollobone. Does my hon. Friend agree that we have heard a lot about puppy farming, but that if we were talking about cattle, horses or sheep, there would be a bigger noise about it and something would be done?

**Jim Shannon:** I thank my hon. Friend for his intervention, and he is absolutely right. That is the focus that we want to put into this debate.

Official figures from the Department for Environment, Food and Rural Affairs show an increase in the number of dogs brought into the United Kingdom of Great Britain and Northern Ireland. In the first year, 2011, the number was 85,000; in the most recent year, 2016, the number was 275,000. If that does not disturb Members, it should. It is time that we made more people aware of what they could be getting, and how these little dogs come here.

I ask for four things. First, we should increase the maximum penalties for those caught illegally importing dogs, and introduce punitive fixed penalty notices. Secondly, we should shift the focus in enforcement of pet travel legislation away from the carriers—that is, the ferries and Eurotunnel. Thirdly, we should introduce a centrally accessible database to log pets' microchip numbers and their date of entry into Great Britain. Fourthly, we need intelligence-led enforcement to identify dealers and traders who are regularly importing multiple puppies.

This is a matter for people in the street who care that the animal they bring into their homes to become a part of their family is an animal that has been cared for. I support making life impossible for those who are flouting the rules with no regard for welfare, and that is why I am here today to support the hon. Member for Mid Worcestershire, as is everybody else present.

5.6 pm

**Neil Parish (Tiverton and Honiton) (Con):** I thank my hon. Friend the Member for Mid Worcestershire (Nigel Huddleston) for securing this debate, because it is good to keep our concentration on the issue of puppy smuggling. I am also delighted to see the Minister here; we are expecting great things from him, because as my hon. Friend the Member for Southend West (Sir David Amess) said, it is time for action, not just words.

The statistics show that there are between 9 and 11 million dogs in the country. If a dog has an average life of 10 or 12 years, we can work out that we probably need somewhere between three quarters of a million and a million puppies every year. From the statistics on what we breed in this country and what is bred in Ireland, we know that there is a huge shortage of puppies, which is being filled by illegal gangs. It is relatively easy to falsify veterinary certificates and all sorts to get puppies through the border. When a person comes to the border, it is largely the paper trail that is checked, rather than someone looking into the vans and vehicles and finding where those puppies are. We need to be much stronger. It is not just about a paper trail; we have to actually get into the vans and find out what is happening.

I admire what the Dogs Trust has been doing. The evidence it has given the Select Committee on Environment, Food and Rural Affairs shows that puppy smuggling is a real problem. Our Committee released its "Animal welfare in England: domestic pets" report back in 2016-17, and one of our recommendations was that the Government ban third-party puppy sales. At the time, the Government were not sure whether they wanted to do so, but since then the Secretary of State has looked into the issue and announced a ban. If we could bring that about, we would at least be able to work out exactly where puppies come from. They would be with their owners, and we would buy them from those owners and from proper breeders. It would be more difficult for people to smuggle puppies in and pretend that they have come from wherever. We will never stamp out all puppy smuggling, but we can stamp out a lot of it.

I ask the Minister to please take action, because this cannot go on. This is not only about the misery caused to individuals, but about diseases potentially being brought into the country. These puppies are far too young and not properly socialised, so I look forward to the Minister's actions.

5.8 pm

**Jim Fitzpatrick** (Poplar and Limehouse) (Lab): It is a pleasure to see you in the Chair, Mr Hollobone, and to follow the Chair of the Environment, Food and Rural Affairs Committee, the hon. Member for Tiverton and Honiton (Neil Parish). I was a member of his Committee for three years, and I spent a long time following him, so this is not a novel experience. I congratulate the hon. Member for Mid Worcestershire (Nigel Huddleston) on having secured this debate.

Suffice it to say, the illegal transportation of puppies is a serious issue. Underage and unvaccinated animals are being smuggled from mainland Europe for sale in the UK, causing suffering to those puppies and endangering the health of animals here. Concerns about the illegal transportation of puppies include underage puppies being removed from their mothers too young and fears that some vets are falsifying data on pet passports for the pet travel scheme, including falsely declaring that puppies are more than eight weeks of age. Illegal importation is putting pressure on animal rescue centres, particularly in the south-east of England, and controls at border inspection posts are few and ineffective. It is still unclear how those will operate as Britain leaves the EU. There are also concerns about consumer protection and the risk to human health.

The RSPCA believes that the market for the puppy trade in Britain is anywhere from 700,000 to 1.9 million pups annually. Poor breeding, dealing and trading practices can have a long-term impact on animal welfare, leading to chronic health and behaviour problems and disappointed consumers, who find their new puppies falling ill or dying not long after purchase. Many would like to see the reintroduction of the requirement for a rabies blood test, which would reduce the risk of disease spreading, and the introduction of a wait period. Will the Minister comment on that?

Puppy smuggling is a shameful practice that causes trauma to innocent dogs and can lead to the spread of diseases to other dogs and humans in the UK. Puppies ought to be protected from that treatment, and consumers ought to be prevented from unwittingly purchasing an animal that may be unhealthy and badly behaved. It is time to raise sentences, bring in more rigorous border checks and increase consumer understanding to ensure that this immoral trade is stamped out and that animals are kept free from harm. I thank Battersea Dogs and Cats Home, the Dogs Trust and the RSPCA for their briefings.

5.11 pm

**Ross Thomson** (Aberdeen South) (Con): It is a pleasure to serve under your chairmanship, Mr Hollobone. I congratulate my hon. Friend the Member for Mid Worcestershire (Nigel Huddleston) on bringing forward this important debate. Puppy smuggling is an abhorrent crime, carried out with no regard for the welfare of puppies trapped in unimaginable conditions for days at a time. Like everyone else, I want to do everything I can to bring it to an end.

Those involved in the puppy smuggling trade rely on low animal welfare standards and high-volume breeding, treating these beautiful animals like products on a production line that runs from puppy farms in eastern Europe to homes in the UK. There is no doubt that

puppies raised and sold through the industry suffer life-long physical and mental impacts, leading to chronic health conditions and often severe behavioural problems.

It is clear that the Government cannot eradicate the problem alone. We all have to take responsibility for ensuring that puppies are not sourced through third parties. Guidelines and advice from the Department for Environment, Food and Rural Affairs on the buying of puppies and dogs have not gone far enough in ensuring that those wishing to purchase puppies know the harm that third-party selling and puppy smuggling can cause. Demand and supply go hand in hand, and the scourge of puppy smuggling cannot be eradicated unless both are addressed and preventive measures are upheld to deter and stop those at both ends of this cruel supply chain.

I am sure all Members welcomed, as I did, the Government's announcement that they intended to bring forward stricter punishments for animal cruelty offences. Tougher custodial sentences are long overdue for those who inflict harm on animals, such as the barbaric and unscrupulous criminals who facilitate puppy smuggling. I remain concerned, however, that the Government have not laid legislation to that effect before Parliament.

Brexit presents us with an opportunity to improve and tighten the rules and regulations on animal welfare. It is incredibly clear that the Government must take action to protect animal welfare and end puppy smuggling for good. We cannot delay any longer. We risk falling behind on the issue, and to do so would be to fail every one of the puppies trapped in this barbaric trade.

5.13 pm

**Chris Evans** (Islwyn) (Lab/Co-op): I thank you for calling me to speak, Mr Hollobone. I congratulate the hon. Member for Mid Worcestershire (Nigel Huddleston) on calling this important debate. I am a dog lover. I lost my Labrador 18 months ago, and I still think about him every day, as sad as that might sound. [HON. MEMBERS: "Aw."] I have the sympathy of the audience, which is always a good move.

The issue goes beyond DEFRA. There should be cross-Department, joined-up thinking. Each element of the debate about puppy smuggling touches on three major Departments. It is estimated that more than 80,000 puppies a year come from places such as Ireland, Romania, Hungary and Lithuania. As we heard from the hon. Gentleman, criminal gangs can earn more than £2 million annually from the puppy trade. A ring of puppy dealers in Manchester was found to be earning £35,000 a week, with puppies being sold for anything between £550 and £1,000, depending on the breed, despite being purchased for only around £200 each from a puppy farm in Ireland. The trade costs the Treasury millions in lost tax revenue. The issue should be addressed by the Treasury.

If we are talking about puppies being smuggled in, the Home Office has to look at controls at border inspection posts. They are few and far between and are often ineffective, meaning that more puppies are allowed to be smuggled into the UK. It is unclear how that will operate post-Brexit. Checks that do take place are insufficiently intelligence-led, meaning that information sharing needs to be improved between agencies, carriers, customs officials and vets. That issue should be addressed by the Home Office.



We have the DEFRA Minister here, and there is one thing he can do. I want to join other voices in paying tribute to Battersea Dogs and Cats Home and the Dogs Trust for their campaign to increase animal cruelty sentences from six months to five years. I cannot tell the Chamber how important that would be in tackling puppy smuggling. It has to be introduced right now. I agree with my hon. Friend the Member for Sheffield—

**Angela Smith:** I am the hon. Member for Penistone and Stocksbridge.

**Chris Evans:** Sorry. I know my hon. Friend is a Sheffield Wednesday supporter. If the change cannot be brought in by Government, they should at least provide time for a private Member's Bill so we can introduce it forthwith. The change has been promised for a long time, and the issue is ongoing. Action needs to be taken now.

**Sir Roger Gale** (North Thanet) (Con) *rose*—

**Mr Philip Hollobone (in the Chair):** Ah! Sir Roger, I am afraid you have only a minute, but you are welcome to it.

5.16 pm

**Sir Roger Gale:** That is fine, Mr Hollobone. I will make three points very quickly in a minute. First, I live 15 miles from Dover. I use the cross-Channel ferries about 16 times a year. I am subjected to regular checks. The police are searching for firearms, drugs and terrorists. I cannot believe they cannot find puppies too.

Secondly, this is about money. We have to kill the trade, and the way we do that is by taking away the vehicle and crushing it in front of the owner on the quayside at Dover.

Thirdly, my son is a vet in a small animal practice. He picks up the bits of this trade time after time. It is miserable. The people who buy the puppies face considerable distress. The short answer is public education: if it is cheap, it is probably also nasty.

5.17 pm

**Dr Lisa Cameron** (East Kilbride, Strathaven and Lesmahagow) (SNP): It is an absolute pleasure to serve under your chairmanship, Mr Hollobone. I congratulate the hon. Member for Mid Worcestershire (Nigel Huddleston) on securing yet another important debate on puppy smuggling almost 17 months to the day since he last brought the same matter to the attention of the House. He has spoken in detail again and outlined all the issues extremely well. I also congratulate all Members who took part in the debate. This issue has support across the House. Although I do not have enough time to cover all the points that were raised, I thank everyone for their contributions and I support their points.

I am proud to say that I stand here representing two groups that have appeared to make significant progress on the issue in the 17 months since the last debate. First, as primary sponsor of the hugely popular Lucy's law campaign to ban third-party sales of puppies, which will finally remove the market for smuggled pups, I commend the UK Government for confirming that historic change to the legislation, which I believe is imminent—

**Angela Smith:** Will the hon. Lady give way?

**Dr Cameron:** I will not, because we have little time.

**Angela Smith:** I just want to ask whether the same is being done in Scotland.

**Dr Cameron:** I will come to that. That historic change to the legislation will be the first major legislative step to help tackle not only illegal puppy smuggling and selling from abroad, but legal licensed puppy farm cruelty in this country.

Secondly, I am chair of the all-party parliamentary dog advisory welfare group, APDAWG. The group has successful meetings on this subject and well-attended members' events. APDAWG—backed by a well-supported early-day motion and an e-petition, which secured over 100,000 signatures in just 13 days, and supported by the RSPCA, the Kennel Club and almost every other welfare organisation in the UK—was instrumental in the success of Lucy's law. I commend all the work done to bring that forward.

Since I am the owner of a rescue dog, Rossi—a French bulldog, which is one of the most popular breeds for smugglers—it is not surprising that puppy smuggling is a subject close to my heart. It is also close to the hearts of my constituents in Scotland, where it is not uncommon for puppies to be smuggled in from Ireland and sold on via third-party dealers. The smuggling of puppies into the UK mainland for resale has been ongoing for many years and has repeatedly been raised by organisations such as Dogs Trust, which I commend for its work.

Welfare issues in pups and adult dogs include the conditions at breeding establishments where puppies are born and reared; the age at which puppies are separated from their mothers; the conditions under which puppies are transported; the length of travel time; the low standards of hygiene and increased risk of disease in undernourished, stressed young animals; the risk to public health and the health of the resident pet population from non-endemic and potentially zoonotic diseases entering the UK; and false documentation, fraud and tax evasion. That is by no means a complete list, but it gives some idea of the serious nature of the issue and how it affects both animals and humans.

The commercial sale of puppies through licensed third-party dealers provides a legitimate market for puppies imported from outside the UK. The existence of that market has significantly facilitated the lucrative legal and illegal puppy trade. Illegal dealers have been able to advertise and trade alongside licensed sellers because, under the outdated and recently repealed Pet Animals Act 1951, it has been perfectly legal for puppies to be sold on a commercial basis by persons other than the breeder, away from where they were born and without being seen alongside their mothers.

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, which were introduced in October, have considerably tightened up the licensing requirements for dog breeding and selling. As we have heard, in December 2018 the Government committed to banning third-party sales of puppies and kittens in England in a measure known as Lucy's law. That will be a significant development in the fight against puppy smuggling, so will the Minister give us a date for bringing it to fruition?

[Dr Cameron]

It is hoped that Wales and Scotland will also ban commercial third-party puppy sales to ensure that legislation is consistent across the UK and that anyone who sells a puppy on the UK mainland is totally traceable and accountable. Both legislatures have consultations under way on the issue.

I hope that I have suggested what the issues today are. I look forward to the Minister's response.

5.22 pm

**Sue Hayman** (Workington) (Lab): It is a pleasure to serve under your chairmanship, Mr Hollobone. As other hon. Members have done, I thank the hon. Member for Mid Worcestershire (Nigel Huddleston) for securing this debate and for keeping up the pressure to get this terrible activity banned. We need to keep up that pressure if we are to make progress.

There is huge public appetite for robust action to improve the lives of animals and strengthen the animal protections in our laws. We are a nation of animal lovers, and we want all our animals to be well loved and given the opportunity to live happy and stable lives. Puppy smuggling is just one of many serious animal welfare issues that all Members read about in our postbags. Since last year's debate on the matter, I have been proud to launch the Labour party's animal plan, which pledges to take increased measures to tackle puppy smuggling. It has received an excellent response and we are working on the next version, which I hope to be able to share with hon. Members shortly.

It is obvious that the humane treatment of animals should be a benchmark for a civilised society. As parliamentarians, we must send out a strong message that the illegal importation of puppies is a cruel practice that must stop; there has been extraordinary consensus on that today, just as there was last year. The Animal and Plant Health Agency and many animal welfare charities such as the Dogs Trust, the RSPCA and Battersea Dogs and Cats Home have done a lot of crucial and very welcome work to tackle puppy smuggling.

As my hon. Friend the Member for Penistone and Stocksbridge (Angela Smith) said, it really is time for the Government to act. I know that their commitment to banning the third-party sale of puppies and kittens through Lucy's law, which the Minister announced in December, has been welcomed by Cats Protection and many dog charities—it is indeed welcome, but we need to see results as soon as possible. The pledge to increase sentences is also welcome, but the legislation needs to be introduced as soon as possible so that we can debate it, scrutinise it and get it on the statute book; I hope that the Minister will give us some idea of when that will happen. In the meantime, Government agencies need the resources to tackle puppy smuggling by enforcing the current legislation. We need to ensure that we have sufficient border guards, with greater international co-operation between police forces to crack down on the problem properly.

As we have heard, dogs should be available only from licensed and regulated breeders or from approved rehoming organisations. Unfortunately, the current legislation does not protect the welfare of all dogs or the interests of all consumers, so the only solution is to ban third-party sales entirely. We have heard about the terrible treatment

of smuggled dogs and the terrible diseases and health problems that they can suffer, as in the really sad story that the hon. Member for Mid Worcestershire told. As long as there is a market for cheap, intensively bred puppies, such welfare problems will persist, because the incentives for non-compliance far exceed the penalties.

Availability may artificially inflate demand, so unless we reduce the supply of cheap, poorly bred puppies from dealers and smugglers, we will never bring a more responsible buying culture into society. Ministers have said that prospective buyers should always insist on seeing a puppy interacting with its mother in the place where it was born, but that advice is inconsistent with the ongoing legality of third-party sales, because it concedes that neither animals nor consumers can be protected by the regulations imposed on the industry. We therefore need a third-party sales ban as soon as possible.

I do not think that it is too ambitious to want to move on now, or to ask the Government to do more to enable that. Animal welfare must not be swept under the carpet or undercut, so I ask the Minister again for a commitment that he will continue to show that he understands the need for this legislation and that he will do everything he can to stamp out this appalling trade.

5.27 pm

**The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (David Rutley)**: It is a pleasure to see you in the Chair again, Mr Hollobone. I congratulate my hon. Friend the Member for Mid Worcestershire (Nigel Huddleston) on securing the debate. It is a testament to the hard work of my hon. Friend and many other Members, and to public concern, that so many are present. I am grateful for his work and his active communication.

Since my appointment as Minister, it has become increasingly clear to me that we need to tackle the abhorrent puppy smuggling trade from end to end by looking at both supply and demand. I have spent a lot of time working with officials on the issue. Like all other hon. Members who have spoken, I have zero tolerance for the unscrupulous dealers and breeders who are simply abusing the pet travel scheme—we need to put an end to that.

I am grateful to my right hon. Friend—no, my hon. Friend; I am elevating him before his time, but I am sure that his time will come—for highlighting such an abhorrent case, which brought home just how awful and how illegal puppy smuggling activities are. We need to do everything we can to protect animals, their potential owners and other humans who may suffer from the health risks. We must tackle the issue as best we can and with real urgency.

Along with 137 other Members of Parliament, I have pledged to be part of the Dogs Trust's campaign to end puppy smuggling. I stand by that commitment fully, and I am very grateful to the trust for its hard work on this really important issue. We must also respect the important work that the RSPCA and Battersea Dogs and Cats Home do to shine a spotlight on the issue.

DEFRA's overall comprehensive approach to tackling puppy smuggling encompasses international engagement, enforcement, tighter regulations and public communications. We have been doing a great deal of work on all those fronts since the last Westminster Hall debate in 2017.

The Government continue to raise the issue of puppy smuggling at an international level. My hon. Friend the Member for Tiverton and Honiton (Neil Parish), the Chair of the Environment, Food and Rural Affairs Committee, raised that issue today. International engagement is particularly important in the wake of intelligence such as that mentioned by my hon. Friend, which suggests that puppies from non-EU countries such as Serbia are being illegally imported into the UK with EU passports and microchips, to make them appear EU-bred. Our chief veterinary officer has written to Serbia and Hungary, which is one of the potential receiving countries, to highlight our concerns.

**Neil Parish:** I have raised this point before. At the moment, people can bring in five puppies legally. I do not think that anyone needs five puppies for their own need. Will the Minister look at that? I mention the word “Brexit”, and leaving the EU under whatever system and circumstance. Can we reduce the allowance to two puppies? I really do not think anyone needs five puppies; it is just open to abuse from criminal gangs.

**David Rutley:** My hon. Friend has been very consistent on this point in Committee and in other meetings, and that is something that we will be able to look at. We have sympathy with the point that he, and many others, make.

To highlight the international dimension of the issue, I note that it is not just us who are concerned about the illegal puppy trade. At a recent international forum, Austrian, Dutch, German, French, Italian and Danish representatives all highlighted the increase in the trade.

Many hon. Members, such as the hon. Member for Penistone and Stocksbridge (Angela Smith), my hon. Friend the Member for Aberdeen South (Ross Thomson), and the hon. Members for Islwyn (Chris Evans) and for East Kilbride, Strathaven and Lesmahagow (Dr Cameron) have talked about the need to increase 10-fold the maximum sentence for animal cruelty, from six months to five years. We are absolutely committed to that, and I am very keen to bring that to the House—

**Neil Parish:** Do it!

**Sue Hayman:** When?

**David Rutley:** And we will do it very shortly. This is a huge priority for us. Obviously, it requires primary legislation. I hope that hon. Members can see that I am as committed as they are to bringing this forward as soon as we can, but it requires other parts of the Government to work with us. We will push it through. I know that the hon. Member for Workington (Sue Hayman) will cut me a little bit of slack, because she knows that I am keen to move the matter forward.

The hon. Member for Workington raised resources. We have increased resources at major UK ports by one third since 2017, specifically to detect smuggled puppies. That has helped us to intercept tragic cases such as that of Lola, the heavily pregnant French bulldog, who has already been mentioned today. Last year, we also launched our new dog importation intelligence steering group. It consists of national enforcement agencies such as Her Majesty’s Revenue and Customs, Border Force, the police and the Royal Society for the Prevention of

Cruelty to Animals, who are forming a collaborative partnership with the Animal and Plant Health Agency to disrupt puppy smuggling. I know that my right hon. Friends the Members for North Thanet (Sir Roger Gale) and for Ashford (Damian Green) are concerned about that issue.

Our collaborative relationship with Border Force continues, and last year Border Force established a special point of contact at Dover, who is specifically in post to share information and intelligence on suspected puppy smuggling. DEFRA and APHA officials have been working in partnership with the Dogs Trust since 2015 on the Dover puppy pilot, which aims to tackle the illegal importation of puppies by providing additional resource to seize and quarantine smuggled puppies, as well as to ensure that they are placed in secure, caring homes afterwards.

APHA continues to be fully engaged at the border, and last year we saw a downturn in the number of non-compliant puppies seized. It is, however, too early to draw any conclusions from that single result, but we will continue to monitor the situation and to shine a spotlight on the issue.

Based on what we have seen so far, there is limited overall evidence of concealed smuggling, with the exception of one case last year in which Border Force collaborated with APHA to intercept 10 heavily sedated and concealed puppies. My hon. Friend the Member for Mid Worcestershire mentioned that case in his opening remarks. I will be discussing the issue in more detail with the Minister for Immigration when I meet her later this month to further our continued collaboration on puppy smuggling, which is one of the requests that has been made. We need a joined-up approach.

Improving and ensuring the welfare of animals is at the heart of our recent welfare reforms. In December last year, we announced that we were going to ban the third-party selling of puppies and kittens. I was proud to be able to do that. Third-party sales are often linked to so-called puppy farms and to shocking welfare conditions, which many of us have seen on video or TV footage. It is absolutely abhorrent, and a ban will mean that puppies and kittens younger than six months can only be sold by the breeder directly or adopted through rescue and rehoming centres.

When the selling of puppies is restricted to licensed breeders, that will also help to deter people from attempting to bring puppies into the country to be sold here. The ban will help to tackle puppy smuggling as well as to address welfare issues here in England. I know that hon. Members are interested to know when that secondary legislation will be laid, and I can tell them that that will be later this spring—so, very soon.

**Tracey Crouch:** This spring!

**David Rutley:** There are plenty of other things going on—I can see hon. Members complaining, but we are moving forward later this spring. There is much more that we want to do to move this forward—

**Neil Parish:** Get on with it!

**David Rutley:** We are getting on with it. As many hon. Members have said, we need to look at the effectiveness of on-the-spot fines. We will look at that and will review



[David Rutley]

the effectiveness of mandating carriers to conduct 100% visual checks of all dogs travelling. For example, Eurotunnel has a pet checking reception, built in 2015, which gives it the capacity to visually check many dogs, and we will be exploring the positive impacts of that in tackling puppy smuggling.

We need to do more on communications with the public to help them to understand the commitments they are making at the point of purchase, and to help them think about where the puppy that they are so keen to buy has been sourced from.

Coming back to the “B” word, which a few hon. Members have mentioned, we will be considering our future approach to regulation in the context of the negotiations on our future relationship with the EU. We are open to actively exploring future options and opportunities for our pet travel scheme, and will look at each of the recommendations from the Dogs Trust and the British Veterinary Association as a part of that. I hope that that gives some reassurance to my hon. Friends the Members for Southend West (Sir David Amess) and for Mid Worcestershire that we are committed to taking further action, and that we will continue to ensure that there are robust controls on disease and animal welfare after we leave the EU.

My time is just about up and I hear some shouts outside, which I hope are not about this particular subject. I and the Government are committed to working collaboratively with colleagues to take further action on this vitally important issue.

5.37 pm

**Nigel Huddleston:** I just briefly say a very big thank you to so many colleagues, from all nations and all parts of the UK, who have contributed to the debate and have made so many compelling arguments and constructive recommendations in so many different policy areas where we can take action. I also thank the Minister for the content and the tone of his response. I do not doubt for one minute his sincerity. I have trust and faith that we will see action from him, but we wish to be very clear that there is a sense of urgency. There is a bit of impatience, but we will trust the Government that they will take action. We are a nation of dog lovers and animal lovers. Let us take some more action so that we can really show that.

*Question put and agreed to.*

*Resolved,*

That this House has considered the matter of puppy smuggling.

5.38 pm

*Sitting adjourned.*







# Written Statements

Tuesday 2 April 2019

## TREASURY

### Contingent Liability Notification and Disclosure of Asset Sale

#### The Economic Secretary to the Treasury (John Glen):

I can today confirm that I have laid a Treasury minute informing the House of the contingent liability that HM Treasury has taken on in authorising the sale of a portfolio of NRAM (formerly part of Northern Rock) loans acquired during the financial crisis under the last Labour Government. This sale generates proceeds of £4.9 billion for the Exchequer and the portfolio will be sold to Citi. The majority of financing is being provided by PIMCO.

#### Rationale

The previous Government intervened in the financial sector to preserve financial stability; this policy objective has now been met, and these assets should be returned to the private sector. The proceeds from this sale will reduce public sector net debt. This marks a major milestone in the plan to recover taxpayers' money and exit from the Government's shareholdings in NRAM and Bradford & Bingley.

#### Format and Timing

The Government, UK Asset Resolution (UKAR) and UK Government investments concluded that this sale achieves value for money for the taxpayer having (i) conducted a rigorous analysis of whether market conditions were conducive for the sale of this portfolio; (ii) considered whether the transaction was likely to generate sufficient competitive tension to lead to a properly competitive process; and (iii) conducted an assessment of the fair market value for the assets. The sale made use of a two-round bidding process, which has been shown to create competitive tension through the bidding process and been used for previous sales of UKAR assets.

#### Contingent Liability

On this occasion, due to the sensitivities surrounding the commercial negotiation of this sale, it was not possible to notify Parliament of the particulars of the liability in advance of the sale announcement.

The contingent liability includes certain market standard time and value capped warranties and indemnities confirming regulatory, legislative and contractual compliance. The maximum contingent liability arising from these warranties and indemnities is approximately £1 billion. There are further remote fundamental market-standard warranties which are capped at £4.9 billion.

#### Fiscal Impacts

I can confirm that the sale proceeds of £4.9 billion are above the Government's hold valuation. In 2019-20 the sale reduces public sector net debt (PSND) by £4.9 billion, as well as reducing public sector net liabilities (PSNL) by £182 million, and public sector net financial

liabilities (PSNFL) by £149 million. PSNFL and PMSL are reduced by different amounts as PSNL also takes into account provisions against the loans that are being released. Public Sector Net Borrowing (PSNB) will increase by a total of £750 million by 2023-24. PSNB is increased by the sale as the Government will no longer receive the interest payments associated with these assets.

The impacts on the fiscal aggregates, in line with fiscal forecasting convention, are not discounted to present value. The net impacts of the sale on a selection of fiscal metrics are summarised as follows:

| <i>Metric</i>                                                                    | <i>Impact</i>                                                                                                                                           |
|----------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sale proceeds                                                                    | £4.9 billion                                                                                                                                            |
| Hold valuation                                                                   | The price achieved is above the hold value range                                                                                                        |
| Net present value of the assets if held to maturity using Green Book assumptions |                                                                                                                                                         |
| Public Sector Net Borrowing                                                      | Increased by:<br>£206 million in 2019-20<br>£176 million in 2020-21<br>£148 million in 2021-22<br>£121 million in 2012-23 and<br>£99 million in 2023-24 |
| Public Sector Net Debt                                                           | Improved by £4.9 billion in 2019-20                                                                                                                     |
| Public Sector Net Liabilities                                                    | Improved by £182 million in 2019-20                                                                                                                     |
| Public Sector Net Financial Liabilities                                          | Improved by £149 million in 2019-20                                                                                                                     |

I will update the House of any further changes to NRAM as necessary.

[HCWS1477]

## ENVIRONMENT, FOOD AND RURAL AFFAIRS

### Agriculture and Fisheries Council

**The Minister for Agriculture, Fisheries and Food (Mr Robert Goodwill):** I represented the UK at the Agriculture and Fisheries Council in Brussels on 18 March.

The main item on the agriculture-focused agenda was the reform of the Common Agricultural Policy (CAP) post-2020, covering three legislative files:

- the regulation on CAP strategic plans,
- the horizontal regulation, which is a regulation on the financing, management and monitoring of the CAP,
- the regulation on common market organisation (CMO) of agricultural products.

Member states highlighted that further discussions were needed in areas such as the delivery model, wine labelling and greening. I intervened to introduce myself and expressed the UK's interest to share thinking on our domestic arrangements as they develop. During the discussion Ministers also debated the outcome of the congress titled "CAP Strategic Plans - Exploring Eco-Climate Schemes" which took place in Leeuwarden, Netherlands on 6-8 February 2019, as well as the future of coupled income support in the CAP.

Council also held an exchange of views on the bioeconomy. Commissioner Hogan gave an overview of the implementation of the EU's new strategy while member states exchanged examples of areas where the bioeconomy is being developed in their countries.

I intervened on the item, welcoming the EU bioeconomy strategy and pointing to the UK's national bioeconomy strategy which was published in December 2018.

A number of other items were discussed under 'any other business':

Slovenia informed Council about small-scale coastal fisheries and the European Maritime and Fisheries Fund.

The Netherlands informed Council about a decision by the Technical Board of Appeals of the European Patent Office regarding the possibility to patent the results of classical plant breeding.

The Commission provided an update about the outcomes of the workshops organised by the Commission Task Force for Water and Agriculture on 27 November 2018 in Sore, Denmark and on 5-6 February 2019 in Bucharest, Romania.

Poland provided an update on the potential impact on the meat market considering new trade challenges. As the discussion reflected on the possible impact of the UK leaving the EU, I intervened to set out the reasoning behind our recently published temporary tariff regime for no-deal.

[HCWS1476]

## JUSTICE

### HMP Birmingham

**The Minister of State, Ministry of Justice (Rory Stewart):** Today the Secretary of State and I can confirm the future plans for HMP Birmingham following the step in initiated by HMPPS and also the urgent notification received by the Secretary of State from HM chief inspector of prisons on 20th August 2018.

We have concluded with the full agreement of G4S that the best way forward now is for us to end the contract and bring back the prison under public sector management.

The situation at HMP Birmingham was totally unacceptable which is why we "stepped in" in August 2018 and why we continued to do so in February 2019. We were always clear that the prison would not be handed back until we were satisfied that sufficient progress had been made.

The prison has made some good progress—both we and G4S have however recognised that there is still much more to do to deliver further improvements. It has become increasingly clear that G4S alone is not able to make the improvements that were so badly needed, and that additional ongoing support from the public sector Prison Service is required to ensure that the prison gets the stability and continuity that will be necessary for sustained progress.

This means that on 1 July 2019, HMP Birmingham will return to public sector management. We have agreed a settlement with G4S of £9.9 million, which covers the additional cost to the MOJ of its "step in" action—meeting our previous public commitment and which also includes an amount to cover essential maintenance works.

Our responsibility is to make sure that prisons are properly run for prisoners and the public. At Birmingham, we must accelerate the good work that has already commenced to stabilise the prison for the longer term. The foundation for that is making sure that we have a clean, decent and safe prison. That is the foundation

from which we can do all the other things we want to do—in particular, rehabilitate people, change lives and ultimately protect the public.

What we need to focus on now is building on the positive work achieved to date at HMP Birmingham. We are clear that we have made progress and got some of the necessary basics on the right track to drive improvement; specifically, with the deployment of experienced HMPPS staff, managers and specialists we have significantly increased staff confidence, gained greater order and control and improved day-to-day regime delivery. I am confident that we are beginning to get a grip on the issues driving violence and that we will see the results of this in the coming months.

Progress on decency has also been made; two of the three large Victorian wings which did not meet our expectations have been taken out of use. The third will also soon be fully out of use, as another newly refurbished wing builds to full occupancy. Cleanliness has improved across the site and the visitors centre is being refurbished. This work forms part of the family strategy supporting prisoners and their families to stay in touch, which is key to rehabilitation.

HMPPS staff are also tackling some of the key security risks. A dedicated search team has been introduced and improved, intelligence-led searching has been yielding good results. Specifically, a full lock down search was conducted recently in a major operation involving staff from across the wider service, which was successful in finding and confiscating contraband, and taking disciplinary action taken against the relevant prisoners as a result.

It is also important for staff and prisoners to know what the future of the prison looks like and to remove uncertainty. Paul Newton, the governor who has been running the prison during step in, will remain in post following the transfer back into the public. We will continue to work closely with G4S to support the prison and to make the transition as smooth as possible in the meantime for both staff and prisoners.

This is the right decision for HMP Birmingham but we continue to believe that prisoners and the public benefit from a mixed economy of provision. We are going to remain in a situation where the majority of our prisons will continue to be run by the public sector, but the private sector has a role to play. The private sector has delivered real value for money and some new approaches that have been really impressive.

We have now been running private prisons for 25 years. By and large, that experience has been positive. In fact, G4S's itself, its performance at Oakwood, Parc and Altcourse has been impressive. They are good prisons. So are Bronzefield, Ashfield, Forest Bank and Thameside, run by other private sector providers.

It makes sense to us that for the next couple of new prisons we give the private sector a chance to bid, but we have set a public sector benchmark. We have explained what the costs would be of the public sector providing the quality of service we want at a prison, and if private sector bidders are not able to provide better value for money, we would look again at the public sector running those establishments.

We will of course be learning lessons from Birmingham which must support our approach to contracting for private prisons in the future.

I strongly believe that this decision is the right one for HMP Birmingham at this time. I am pleased that G4S have also recognised this and are working with us to deliver better outcomes for prisoners and a better working environment for staff. I look forward to being able to report further good progress at HMP Birmingham in the coming months.

[HCWS1475]

## WORK AND PENSIONS

### Social Security Benefits Up-rating Order 2019: Ministerial Corrections

**The Parliamentary Under-Secretary of State for Work and Pensions (Justin Tomlinson):** The Social Security Benefits Up-rating Order 2019 maintains the Government's commitment to the triple lock for both the basic state pension and the new state pension. The order also increases benefits for carers, guardians and those with disabilities and long-term health conditions; sharing the proceeds of economic growth with some of the most vulnerable in society.

I would like to clarify the following points I made during the Social Security Benefits Up-rating 2019-20 debate on 4 March 2019 and apologise to the House for these inadvertent errors:

That the order reflects the Government's continuing commitment to increase the full rates of the basic and new state pensions by the triple lock.

Regarding the pension credit standard minimum guarantee—the means-tested threshold below which pensioner incomes should not fall—from April 2019, the single person threshold of this safety-net benefit will rise to £167.25—over £1,800 a year higher than it was in 2010.

With this up-rating order, I am bringing forward plans to increase support for some of the most vulnerable people in society to the tune of £3.7 billion, with £3.6 billion alone to help those with disabilities and long-term health conditions, and pensioners—key people who the Government, as we share the proceeds of growth, will continue to target support towards.

The severe disablement allowance will increase from £77.65 to £79.50. The severe disability premia for a single person have increased from £64.30 to £65.85.

The transcript to the original debate can be found here:

<https://hansard.parliament.uk/commons/2019-03-04/debates/1E3A4E87-E2BC-4C53-98D5-E4497A48722D/SocialSecurity>.

[HCWS1474]





# ORAL ANSWERS

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**Oral Answers to Questions [Col. 911] [see index inside back page]**

*Secretary of State for Foreign and Commonwealth Office*

**European Union (Withdrawal) (No. 5) [Col. 938]**

*Bill presented, and read the First time*

**Banknote Diversity [Col. 939]**

*Motion for leave to bring in Bill—(Mrs Helen Grant)—agreed to  
Bill presented, and read the First time*

**Privileges [Col. 941]**

*Motion—(Paul Maynard)—agreed to*

**Mental Capacity (Amendment) Bill [Lords] [Col. 962]**

*Programme motion (No. 2)—(Caroline Dinéage)—agreed to  
Lords message considered*

**Exiting the European Union (Consumer Protection) [Col. 976]**

*Motion—(Kelly Tolhurst)—on a Division, agreed to*

**Business Rates [Col. 1000]**

*Debate on motion for Adjournment*

**Westminster Hall**

**Further Education Funding [Col. 291WH]**

**NHS Pension Scheme: Tapered Annual Allowance [Col. 319WH]**

**Youth Inmates: Solitary Confinement [Col. 328WH]**

**Pancreatic Cancer [Col. 348WH]**

**Puppy Smuggling [Col. 355WH]**

*General Debates*

**Written Statements [Col. 35WS]**

**Written Answers to Questions [The written answers can now be found at <http://www.parliament.uk/writtenanswers>]**

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