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4 June 2019**

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**HOUSE OF COMMONS
OFFICIAL REPORT**

**PARLIAMENTARY
DEBATES
(HANSARD)**

Tuesday 4 June 2019

HER MAJESTY'S GOVERNMENT

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OFFICIAL REPORT

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

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

SIXTH SERIES

VOLUME 661

THIRTY-SIXTH VOLUME OF SESSION 2017-2019

House of Commons

Tuesday 4 June 2019

The House met at half-past Two o'clock

PRAYERS

[MR SPEAKER *in the Chair*]

Oral Answers to Questions

JUSTICE

The Secretary of State was asked—

Prison Officers: Suicide

1. **Luke Pollard** (Plymouth, Sutton and Devonport) (Lab/Co-op): How many prison officers took their own lives in each of the past five years. [911104]

The Minister of State, Ministry of Justice (Robert Buckland): We do not hold the specific information requested by the hon. Gentleman. I fully appreciate that the pressures on prison officers can be considerable. However, we are committed to ensuring the health, safety and wellbeing of our staff, and have systems in place where if people are struggling, for whatever reason, including outside-work pressures, they will get the support they need.

Luke Pollard: Right across the public sector, the Government do not keep enough statistics on people in uniform who are taking their own lives due to physical and mental pressures at work. Will the Minister agree to meet me and members of the Prison Officers Association to discuss how we can record those statistics and, most importantly, how we can prevent prison officers from taking their own lives?

Robert Buckland: The hon. Gentleman raises a very important and sensitive point. I should add that the prison chaplaincy service provides invaluable support for many prison officers who are struggling. I will meet him about this issue. The current figures record deaths in service. Clearly, the issue of mental health and people taking their own lives has to be addressed.

Robert Neill (Bromley and Chislehurst) (Con): May I start by welcoming my hon. and learned Friend to his post? I think this is the first question time that he has taken in his new role.

Does my hon. and learned Friend agree that it is important that we not only pay the highest tribute to the dedication and professionalism of the men and women of our Prison Service, but recognise that the pressures that they face come in no small measure from the difficulty of establishing secure regimes and stability within our prisons? Will he take on board the recommendations of the Justice Committee—in particular, our suggestion for a workforce strategy across the whole of the Prison Service?

Robert Buckland: My hon. Friend raises an important point. I pay tribute to the work of his Committee. We have seen welcome increases in the number of prison officers, and that will help with stability. Retention rates are very important. I will certainly study very carefully the recommendations of his Committee, and work with him and other Members to make sure that we achieve our common goal.

Helen Jones (Warrington North) (Lab): Prison officers do a very difficult job on behalf of the community, but the loss of thousands of staff, leading to the highest-ever number of assaults in prisons last year, has put them under enormous stress. Does the Minister accept that warm words are not good enough in this situation and there needs to be a serious increase in the number of prison staff to alleviate the pressure on officers?

Robert Buckland: I am pleased to inform the hon. Lady that there has indeed been a significant increase in the number of prison staff. We are now up to over

4,500 extra prison staff from the low point. I take her point that with increasing staff, more constructive work can be done with prisoners. The key worker scheme that we have now rolled out in the majority of adult male closed prisons, where prison officers work with six named prisoners, is already yielding results and making prisons safer places. I very much take on board the point she makes about assaults.

Andrew Selous (South West Bedfordshire) (Con): I congratulate my hon. and learned Friend on his new appointment.

One of the issues that adds to the emotional stress on prison officers can be a very long commute at the end of a working day, particularly in London and the south-east in very high-cost housing areas. What discussions is the Department having with the Ministry of Housing, Communities and Local Government to make sure that key worker accommodation is available for prison officers, who are often not that well paid, in high-cost housing areas?

Robert Buckland: My hon. Friend, as a former prisons Minister, knows this issue very well, and I pay tribute to him for his continued commitment to it. Yes, the question of housing is a difficult one. I am glad to say that recruitment rates in London have proved extremely successful. The extra increments that are paid to certain prison officers to recognise the particular pressures that they are under is a welcome part of the system. However, I will be happy to speak further to him about the issue.

Jim Shannon (Strangford) (DUP): The Minister will know that in Northern Ireland prison officers have been subjected to mental and physical pressures above and beyond—post-traumatic stress disorder and other mental health issues. The Northern Ireland Assembly and Justice Department have been very active in offering support. Has he had the opportunity to speak to those in the Northern Ireland Assembly and the Department to find out what is being done for prison officers in Northern Ireland?

Robert Buckland: I am grateful to the hon. Gentleman. I am always willing to speak to and learn from experiences in other parts of our United Kingdom, most particularly Northern Ireland. Various therapies, such as cognitive behavioural therapy, are available to prison officers should they wish to seek them. There is also a fast-track referral system, which is particularly encouraged where staff have experienced trauma.

Support for Litigants in Family Courts

2. **Daniel Zeichner** (Cambridge) (Lab): What assessment he has made of the adequacy of the availability of support for litigants in family courts. [911105]

The Parliamentary Under-Secretary of State for Justice (Paul Maynard): Clearly, participation in the family court is difficult for all those involved, whatever stage of the process they are at. Through our legal support action plan, we are committed to working with the Law Society to improve delivery of family legal aid, be that in the court or through mediation.

Daniel Zeichner: I congratulate the Minister on his appointment. I was pleased recently to join students and staff at Anglia Ruskin University's law clinic to

celebrate the first year of their Support@Court service, which helps litigants in person to navigate the family courts. It is a great initiative, but Sarah Calder, the director, tells me that provision is patchy, and litigants in person all too frequently feel intimidated by facing a lawyer. Do the Government support the Bach Commission's proposal that legal aid should be brought back into scope for all cases involving children?

Paul Maynard: I am pleased to hear about that example at Anglia Ruskin University. Our litigants in person strategy is a very important part of what we do. We have been spending £1.5 million a year hitherto. As part of the legal support action plan, we will improve that to £3 million a year and work with judges to ensure that all litigants in person are supported during the court process.

20. [911126] **David Hanson** (Delyn) (Lab): I am pleased that the Minister has agreed to a review of domestic violence and potential damage to children in courts, but can he look particularly at the recommendation of the Children's Commissioner that no child should go into court without legal support?

Paul Maynard: I am sure we were all shocked by the example raised by the hon. Member for Sheffield, Heeley (Louise Haigh). My first decision was to ensure that the inquiry panel was established, and it will look carefully at what the Children's Commissioner has to say. The right hon. Gentleman is right to point out that children should always be at the heart of the decision-making process in the courts, and I will look carefully at what the Children's Commissioner has said.

Gloria De Piero (Ashfield) (Lab): I congratulate the Minister on his appointment. The Government are rightly reviewing practices in the family courts, including practice direction 12J, which looks at how the court is protecting children and victims. More than 30 expert lawyers, including the Victims' Commissioner, have voiced their concerns that the review is not in-depth enough to look at the issues in sufficient detail and makes no mention of consulting family court lawyers. Do the Government acknowledge those concerns, and will they act on them?

Paul Maynard: I am grateful for the hon. Lady's initial support. There is a balance to be struck between speed of action, getting the right decision-making process in place and coming up with the right recommendations. We have lawyers who are experienced in family law on the panel, and we have the victims' voice through the involvement of Women's Aid. I think we have the right mix on the panel, and a three-month time limit is right for them to reach their conclusions, which we can then seek to put in place.

Andrew Bridgen (North West Leicestershire) (Con): In children's matters in the family courts, the Children and Family Court Advisory and Support Service is treated as an expert witness. Is the Minister aware that CAFCASS has no training for the function it performs, has no guidelines, keeps no record of its recommendations and does not give sworn statements, so cannot be held to account for the recommendations it makes?

Paul Maynard: I am grateful for that interesting perspective in my early days in the job. I will clearly have to go away and look at what CAFCASS says and does,

and I look forward to meeting it. It is important to bear in mind that, in these cases, the interests of the child have to be paramount—the Children Act 1989 is very clear about that, and judges are clear in how they interpret that obligation.

Post-conviction Disclosure

3. **Mr Barry Sheerman** (Huddersfield) (Lab/Co-op): What steps he is taking to improve the post-conviction disclosure regime. [911108]

The Parliamentary Under-Secretary of State for Justice (Edward Argar): If material comes to light that, on the face of it, might cast doubt on the safety of a conviction, the police and prosecuting authorities should disclose it, and where it is alleged that such material may exist, they should co-operate in making further inquiries if there appears to be a real prospect that they will uncover something of real value. Failing that, the function of the independent Criminal Cases Review Commission is to investigate possible miscarriages of justice. Access to information about the cases they investigate is integral to their work, and they have substantial legal powers to secure the disclosure they require.

Mr Sheerman: The Minister will know that I welcome part of what he said warmly, but as co-chair of the all-party parliamentary group on miscarriages of justice, I know that in order to challenge a conviction, access to pre-conviction material from the police and the prosecution is very valuable. Most advanced countries have a proper system that makes it much more possible to challenge an unsafe conviction. Can we have further movement on that?

Edward Argar: The hon. Gentleman rightly highlights his extensive work in this area. It has been a pleasure to meet him on a number of occasions, and I am due to do so again. As I said, there are considerable statutory powers for the CCRC, but as he knows, the commission can refer only those cases it considers to meet the statutory criteria, and there are no plans currently to review that.

John Howell (Henley) (Con): Does the Minister agree with me that forensic science is a major area where a lack of transparency is inhibiting the review of post-sentencing disclosure?

Edward Argar: My hon. Friend is absolutely right to highlight the importance of forensic science in convictions—increasing the number of cases that go through court and result in convictions—and therefore of the role it plays in reviewing cases post-conviction. If he wishes to write to me with further details of specific issues in that context, I will be very happy to write back to him responding to those points.

Yasmin Qureshi (Bolton South East) (Lab): Both the Charlie Taylor and the Lammy reviews recommended changes to our criminal disclosure system for young people. On each count, this Government decided that they knew better, leaving us with one of the most punitive approaches to youth justice in the western world. Now that the Government have lost their case in the Supreme Court, will they recognise that our current disclosure system for children is outdated, ineffective and cruel?

Edward Argar: My shadow is dextrous in bringing in youth justice in the context of the post-conviction disclosure regime. She is quite right to highlight the Supreme Court case and the current regime, which is something we are looking at carefully.

Mr Speaker: I think we can agree that dexterity is a very important political quality.

Prison Violence

4. **Mr Jim Cunningham** (Coventry South) (Lab): What recent assessment he has made of trends in the level of violence in prisons. [911109]

15. **Alex Norris** (Nottingham North) (Lab/Co-op): What recent assessment he has made of trends in the level of violence in prisons. [911120]

The Minister of State, Ministry of Justice (Robert Buckland): Violence against our dedicated staff will not be tolerated. Levels of violence in prison remain too high, but I am pleased to say that the number of assaults from October to December last year decreased by 11% from the previous quarter. We know that positive relationships between staff and prison officers can make a big difference. That is the aim of the new key workers scheme, and 60 of the 92 closed male adult prisons have now completed implementing it.

Mr Cunningham: Prison officers work in what their trade unions call one of the most hostile environments in western Europe, with assaults on staff quadrupling since 2010. Does the Minister not think it is a bit unfair for a prison officer at 68 years of age to be forced to manhandle people and physically control them? Surely he could do something about early retirement for them.

Robert Buckland: It is important to remember that for many years prison officers have daily faced that sort of challenge. It is unacceptable, which is why I am glad to say that numbers of prison officers have increased. With that important work with prisoners, I strongly believe that prisons will become safer places. Let us not forget the roll-out of body-worn cameras as well: 6,000 have now been provided. I believe that that will not only protect prisoners, but protect prison officers from false allegations.

Alex Norris: HMP Nottingham remains a particularly violent place for staff and inmates. The previous prisons Minister made improving this prison a personal priority. Will the new Minister commit to doing the same, and will he meet me to hear some of our local concerns?

Robert Buckland: I know from my previous role that the hon. Gentleman takes a keen interest in criminal justice issues in his city. I share the same commitment as my predecessor to reducing violence at Nottingham. A new violence reduction strategy was launched by that prison. We provided funding for physical alterations to set up a new violence reduction landing, and two safer custody leads are now working in the prison to improve physical security. Of course I will meet him as part of that developing progress.

21. [911127] **Maria Caulfield** (Lewes) (Con): The recent prison inspector's report on HMP Lewes in my constituency found systemic failure, even after it went into special measures, with an increase in the number of assaults on staff and a quarter of inmates feeling unsafe. What more can the Department do to support the new governor, Hannah Lane, in turning around that prison and making it a safer place for inmates and prison officers?

Robert Buckland: My hon. Friend is quite right to chart the issues at HMP Lewes. I am glad to say that the prison is now fully staffed and performance has begun to improve in the second half of last year, but I accept that things have not recovered to the position that Lewes had been in when the inspectorate made a previous visit. However, the number of assaults has fallen to a level similar to that of three years ago, and work continues to be done. From the centre, both I and Her Majesty's Prison and Probation Service will continue to support the new governor in her work.

Mr Philip Hollobone (Kettering) (Con): Is the new prisons Minister prepared to repeat the pledge of his predecessor that he will resign if there is not a significant reduction in violence in prisons within 12 months?

Robert Buckland: As I have said already in this House in an Opposition day debate, I am going to do it my way.

Mr Speaker: Well, I think we will take that as a no, then.

Liz Saville Roberts (Dwyfor Meirionnydd) (PC): I have been taking part in the Prison Service parliamentary scheme at HMP Swansea, where over only two days I witnessed one dirty protest and two incidents at height. These were handled professionally by prison staff, officers and management alike, but surely the Minister shares my concern that prison officers are now expected to respond to such physically demanding and risky challenges as everyday workplace hazards? Will he meet the POA to discuss the absolute anomaly of our expecting emergency services officers to work until they are 68?

Robert Buckland: I pay tribute to the right hon. Lady for taking part in that important and valuable scheme. HMP Swansea was the very first prison I went into, nearly 30 years ago, and I pay tribute to the staff there. I take on board the point she makes. I have already spoken to the POA about that very issue, and I will continue a dialogue on that and many other matters.

Tom Pursglove (Corby) (Con): How about this as a deterrent to violence in prisons: a prisoner who assaults a prison officer is simply not eligible for early release?

Robert Buckland: My hon. Friend will be reassured to know that that sort of conduct and criminality is dealt with in two ways. The first is by the criminal courts. The recent Act promoted by the hon. Member for Rhondda (Chris Bryant) covers prison officers, and I pay tribute to him for that. The second is via an internal process by which prisoners face consequences such as privileges being removed and categorisation changed.

Imran Hussain (Bradford East) (Lab): I congratulate the hon. and learned Gentleman on his appointment. By now, he will know that since 2010 our prisons have been driven into a spiral of violence and a state of emergency as a direct result of his Government's cuts, leaving staff, prisoners and the public less safe. Will he answer one simple question: when will our prisons return to being as safe as they were in 2010?

Robert Buckland: I think the work being done to recruit extra prison officers and the extra finance and resource given to my Department by the Treasury are allowing us to return to a position of greater safety. I am grateful to the hon. Gentleman for his remarks, but I have to say to him that my experience of prisons stretches back a generation, and I know that many of the issues relating to prisons take a long time to resolve, but that will not stop me having a sense of urgency when it comes to dealing with problems of drugs, violence and safety more generally.

Rehabilitating Prisoners: Role of Sport

5. **Douglas Ross** (Moray) (Con): What assessment he has made of the role of sport in rehabilitating prisoners. [911110]

The Parliamentary Under-Secretary of State for Justice (Edward Argar): Participation in sport and physical activity in custody can have benefits for the physical and mental health of prisoners, as well as building confidence, teamwork skills, discipline and improving prospects of successful rehabilitation and resettlement in the community. We have recently published Professor Rosie Meek's independent review of the role of sport in youth justice, and our own internal review of sport in the adult estate. Sport is an integral part of our approach to rehabilitation in prison.

Douglas Ross: I refer the House to my declaration of interest. The twinning project led by David Dein aims to take football into prisons to improve behaviour and reduce reoffending, and the Football Association referees department is now hoping to run referee courses alongside that, with Lancaster Farms Prison the first to offer the course. I know that the skills referees gain go far beyond officiating at match. Does the Minister agree that that element and the twinning project could have a very positive impact on the prisoners they work with, and will he encourage more prisons to get involved?

Edward Argar: My hon. Friend is absolutely right, and I acknowledge his interest as a qualified international referee, with skills that, on occasion, you probably put to good use in this House, Mr Speaker. I completely agree that the football twinning project, brilliantly led by David Dein, is hugely important and can have a positive effect on offenders. We have been working with FA referees to develop a bespoke referee course for prisons. Four pilot prisons have been identified to deliver this groundbreaking intervention, with the first course due to start in late summer at HMP Lancaster Farms, as my hon. Friend said. We all recognise the power of sport and we are determined to harness it.

Mr Speaker: David Dein is inspirational on this matter, and on many others, as I know from hearing from him directly on this important subject. He also has the great merit of being an Arsenal fan and a former vice-chairman of the club, as the hon. Gentleman is aware.

Ellie Reeves (Lewisham West and Penge) (Lab): Last year's review of sport in prisons shows that reoffending rates were markedly lower among those who had participated in sports-based resettlement programmes than among those who had not, but the report noted a distinct lack of engagement in physical activity among women in prison. What steps will the Minister take to implement Professor Meek's recommendation of a specific physical activity strategy for women, and what incentives will the Government provide to sports clubs to get involved with rehabilitation schemes?

Edward Argar: The hon. Lady is absolutely right. Our view is that sport can play a crucial role in rehabilitation and resettlement not just for male prisoners but for all prisoners, irrespective of gender. I went to see David Dein in HMP Downview, where we introduced the twinning project in a female prison for the first time, yielding fantastic results. We are very keen on the idea and are continuing to work with Jason Swettenham, the director in the Prison Service with responsibility for the project, to work within the custodial estate and with community organisations focused on engaging women in sport. They are absolutely integral to what we are trying to do.

Stephen Crabb (Preseli Pembrokeshire) (Con): If the Minister is not already aware of it, may I encourage him to look at the eight-week programme being run at Feltham young offenders institution by the Saracens Sport Foundation, which is obviously linked to the European club rugby champions? It has helped to reduce reoffending rates among participants by more than half by using classroom sessions and mentoring and by focusing on the values of sport and what they can bring.

Edward Argar: My right hon. Friend is absolutely right. I do not know if he is a clairvoyant, but if I recall my diary correctly I am due to visit Saracens at Feltham next week.

Dr David Drew (Stroud) (Lab/Co-op): Will the Minister broker arrangements with our primary sporting clubs—rugby, football and cricket—to make sure they have the opportunity to pair up with a prison, so that there is a relationship that can evolve over time? Does he think that is a good idea?

Edward Argar: I do think that is an excellent idea, which is exactly the principle behind the twinning project and exactly what is happening on the ground. The project is expanding to include more and more prisons. I have focused, given the nature of the question, on football, but the hon. Gentleman is right to highlight rugby, and from my perspective cricket is always a winner. He is absolutely right. The model is there with the twinning project and we want it to continue to expand.

Privately Run Prisons

6. Mohammad Yasin (Bedford) (Lab): What his policy is on privately run prisons. [911111]

The Lord Chancellor and Secretary of State for Justice (Mr David Gauke): The Government remain committed to a role for the private sector in operating custodial services. The sector has an important role to play and currently runs some high-performing prisons as part of a decent and secure prison estate.

Mohammad Yasin: Publicly run HMP Bedford has been deprived of adequate funding, while public investment has been given to the notorious blacklisting construction firm Kier to build a new supersized prison nearby in Wellingborough, which will be handed straight to the private sector to run. Will the Minister explain why the public sector was banned from bidding for the new prison?

Mr Gauke: We believe in a balanced estate—the last prison built was HMP Berwyn, which is in the public sector—to maintain a mix of providers. We wanted to ensure that the next two were in the private sector.

Richard Burgon (Leeds East) (Lab): I would like to take this opportunity to congratulate the new Ministers on their appointment.

I am sure everyone across the House was deeply concerned by new research showing that, when comparing like with like, private male local prisons have 42% more assaults than their public equivalents. That is especially worrying given that the Government are planning to build a new generation of prisons run for profit. I am sure the Secretary of State would not wish to be deemed an ideologue who would back private prisons even if they were more dangerous. Before proceeding with those new private prisons, will he back an independent review of safety and overcrowding in private prisons to ensure that corners are not being cut to maximise profits?

Mr Gauke: The reality is that there are many very successful private prisons where the level of violence is lower than average. Let me give the hon. Gentleman an example. HMP Altcourse in Liverpool has low levels of violence compared with a typical category B local prison, including the public sector category B local prison in the same city where we have faced significant difficulties with violence. It is hard to compare one set of prisons against another on a like-for-like basis. I do not accept the analysis the hon. Gentleman sets out, and I do believe we need to have a mixed sector.

Prison and Probation Officers: Gross Misconduct Charges

7. Laura Pidcock (North West Durham) (Lab): What steps he is taking to improve legal protections for prison and probation officers facing charges of gross misconduct. [911112]

The Minister of State, Ministry of Justice (Robert Buckland): The existing process is an internal employment process and is compliant with both employment law and ACAS best practice. It exists to identify where misconduct has occurred and to hold individuals to account.

By holding all prison and probation officers to the high standard we expect, we protect the reputation of the entire service.

Laura Pidcock: Napo has called for the scapegoating of probation officers to end, especially with the reviewing of cases that have already been covered by a review. It insists that senior managers are driven by a desire to be seen to be doing something rather than to deal with the root cause, which is the unbearable workload pressures caused by mass vacancies. Does the Minister agree that the probation service should take responsibility for structural failures leading to serious further offences, rather than hanging its workers out to dry?

Robert Buckland: The hon. Lady makes a very proper point, and I pay tribute to the probation officers I have worked with over many years. They are dedicated public servants who use their professional judgment and skill to help assess risk, which is an onerous task. I do not approve of scapegoating. I expect the service to support probation officers who are under pressure, but for cases where there needs to be an investigation, due process then has to take place.

Probation Supervision: Short Sentences

8. **Victoria Prentis** (Banbury) (Con): If he will make it his policy to end the requirement for 12 months of probation supervision for people with sentences of less than 12 months. [911113]

The Lord Chancellor and Secretary of State for Justice (Mr David Gauke): It is absolutely vital that prisoners get the support they need after release to turn their lives around. It would be premature to reverse reforms that, for the first time, saw those released on short sentences supervised after release, with a period dedicated solely to rehabilitation. We have already looked at ways of making that process more proportionate, but as my hon. Friend will know, I want to look at the broader question of short sentences and measures that actually serve to reduce reoffending.

Victoria Prentis: If I may trespass for one moment on your good will, Mr Speaker, given the previous question, perhaps you would like to join me in congratulating the Nacro winners, who are in the Public Gallery at the moment and who are about to join me for tea in the Pugin Room—where are they? They are putting their hands up so they can be congratulated by all of us in the House today, who appreciate what probation staff and those who work with prisoners do for us.

Does the Secretary of State agree that we should put real resource into alternatives to custody, so that we can end the cycle of reoffending and stop all our constituents from suffering from further crime?

Mr Gauke: I join in the congratulations to the prize winners in the Gallery and welcome them to the House of Commons.

I agree with my hon. Friend about the importance of alternatives to custody, and I am keen to ensure that we make greater use of curfews, exclusion zones and new ways in which we can restrict offenders in the community in a way that can be more effective in reducing future reoffending.

17. [911122] **Ian C. Lucas** (Wrexham) (Lab): Failings in the probation system were found by the probation service to have contributed to the death of my constituent, Nicholas Churton, who was murdered, but unfortunately, the content of the report has not been made available either to me or to his family. Will the Department—either the Secretary of State or the new Minister responsible for probation and prisons, the hon. and learned Member for South Swindon (Robert Buckland)—meet me to discuss how we can have an open system that looks to improve when errors have occurred?

Mr Gauke: I know that the new Minister—let me take this opportunity to welcome him to his post—would be delighted to meet the hon. Gentleman.

19. [911124] **Diana Johnson** (Kingston upon Hull North) (Lab): Can the Secretary of State reassure Members that underperforming companies involved in probation—for example, G4S and Sodexo—will not be allowed in future to apply for any of the new contracts that the Government are going to issue shortly?

Mr Gauke: We will look at the merits of all the bidders for those new contracts, but I am not going to draw up any red lines today. The bids will need to be looked at in their totality.

Management of Offenders: Local Authorities and PCCs

9. **Alex Burghart** (Brentwood and Ongar) (Con): What steps his Department is taking to work with (a) local authorities and (b) Police and Crime Commissioners in the management of offenders. [911114]

10. **Craig Tracey** (North Warwickshire) (Con): What steps his Department is taking to work with (a) local authorities and (b) Police and Crime Commissioners in the management of offenders. [911115]

The Lord Chancellor and Secretary of State for Justice (Mr David Gauke): We want to strengthen partnership working between probation and local partners, including local authorities and police and crime commissioners, and the future probation model announced on 16 May will better enable this with a new regional structure led by regional directors responsible for the delivery and commissioning of probation services. They will work with local partners to identify shared priorities and co-commission services that will better support the management of offenders in the community.

Alex Burghart: Will the Secretary of State commit to exploring co-commissioning so that probation can leverage in wider funding and serve common needs?

Mr Gauke: The short answer is yes. Our plan is to create a dynamic framework for the commissioning of resettlement and rehabilitative intervention opportunities. To complement this, we will ring-fence £20 million a year in an innovation fund to attract match funding from other Departments and commissioning bodies for innovative cross-cutting approaches.

Craig Tracey: Does the Secretary of State agree that the transforming rehabilitation reforms had the very sensible goal of reducing reoffending by extending supervision to a group of offenders who previously did not have it?

Mr Gauke: Yes, I do think that is a very sensible goal, and sometimes that point has been missed in the debate about the transforming rehabilitation programme. My view is that we need to build on those reforms, and that is why on 16 May I outlined the changes we were making. My hon. Friend is right that we need to be ambitious and provide coverage for as many ex-offenders as possible.

Kate Green (Stretford and Urmston) (Lab): I am not sure whether the Secretary of State has had a chance yet to see the report published this morning by Crest Advisory on the management of women offenders. It suggests that police and crime commissioners should develop gender-informed alternatives to cautions and thereby keep women out of the criminal justice system. Will he consider that recommendation and the others in the report, and would he or one of his ministerial colleagues be willing to meet me and representatives of Crest to discuss it?

Mr Gauke: I confess I have not had an opportunity yet to read the report published this morning, but from what the hon. Lady says it appears to go in a similar direction to the female offenders strategy I set out last year. I know that the Under-Secretary of State for Justice, my hon. Friend the Member for Charnwood (Edward Argar), would be delighted to meet her to discuss the matter further.

Wera Hobhouse (Bath) (LD): I also congratulate the new Ministers on their appointment.

Short sentences target the most vulnerable offenders, especially women, with 75% of all women offenders sentenced to less than a year going on to reoffend. Has the Secretary of State made an assessment of the impact of short prison sentences on offenders and communities?

Mr Gauke: Indeed I am concerned about the impact of short sentences, not just on those who receive them but on society as a whole, because if they are ineffective in reducing reoffending, we are not doing society a favour and we are not reducing crime in the way we want to. As I said a moment ago, we set out our approach in the female offenders strategy—there is a case for looking at alternatives to custody for less serious offences. As a whole, I am ambitious to reduce the use of short sentences, which I do not see as being effective in reducing crime.

Short Sentences

11. **Gavin Newlands (Paisley and Renfrewshire North) (SNP):** What his Department's policy is on short sentences.
[911116]

The Lord Chancellor and Secretary of State for Justice (Mr David Gauke): There is a strong case for abolishing sentences of six months or less—with some exceptions—and we are working towards having firm proposals by the summer. There is persuasive evidence that short custodial sentences do not work in terms of rehabilitation and helping some offenders to turn their backs on crime, and that community sentences can be more effective in reducing reoffending and therefore keeping the public safe.

That said, we must ensure that the public and the judiciary can have confidence in effective community orders that address offenders' behaviour, meet their mental health and alcohol or drug misuse needs and provide reparation for the benefit of the wider community.

Gavin Newlands: Before his promotion—potentially to Prime Minister—the right hon. Member for Penrith and The Border (Rory Stewart) said:

“We have a lot to learn from Scotland, specifically on community sentences, and indeed we will be looking at what more we can do to emphasise that a custodial sentence in the short term should be a final resort.”—[*Official Report*, 24 April 2018; Vol. 639, c. 714-15.]

Given the Secretary of State's answer just now, will he ensure that there is a continuity of approach within the new ministerial team in the MOJ?

Mr Gauke: I am sure that there will be; I would certainly expect that to be the case. One thing that we should learn from Scotland is that we need to ensure that community sentences are not ignored, and that drug treatment orders are completed. I know that that has been an issue in relation to some of the reforms in Scotland, and we need to learn from it, because if we are going to make these reforms we must ensure that community sentences are working properly.

Alex Chalk (Cheltenham) (Con): The latest generation of GPS tags can monitor the specific movements of offenders rather than simply enforcing home curfews. Does my right hon. Friend agree that that gives courts a powerful tool to punish offenders in the community while keeping victims safe, as an alternative to short sentences?

Mr Gauke: I very much agree with that. I can tell the House that I wore a GPS tag for a couple of days, and was subsequently able to be informed of all my movements for the period concerned: precisely where I had been, and when. Thankfully I had not been up to no good, but it was a demonstration of how accurate and effective those tags can be. I believe that they have considerable potential for reassuring the public about community sentences, and about our ability to track those who might pose a risk to the community.

Mr Speaker: The Secretary of State's moral probity was never in doubt for a moment.

Jo Stevens (Cardiff Central) (Lab): The Secretary of State will know about the terrible legacy of the imprisonment for public protection sentence, and its negative impact on both reoffending and re-incarceration. Will he meet me, and my constituent whose son received an IPP sentence, to discuss ideas for reform of the licence that applies?

Mr Gauke: The challenge of IPP cases is that the Parole Board must satisfy itself that those who have been sentenced to IPPs no longer pose a risk to society. That can be very difficult, and in many cases there are risks to society, so we must be cautious and ensure that we protect the public. I know that the Minister responsible for prisons and probation, my hon. and learned Friend the Member for South Swindon (Robert Buckland), would be happy to meet the hon. Lady.

Joanna Cherry (Edinburgh South West) (SNP): It is now well recognised that a system that pushes offenders through a revolving door of short prison sentences simply does not work. Notwithstanding the riders expressed by the Secretary of State a moment ago, the fact is that the Justice Committee, as well as his Government, have recognised that the system in Scotland is working. The Committee's recent report recommended that the UK Government follow Scotland's approach of a presumption against short sentences. Will the Secretary of State commit himself to introducing such a presumption in England and Wales?

Mr Gauke: I hope to be able to say more about the details of what we want to do in the not too distant future, but in respect of the approach that is being taken in Scotland, it is worth bearing in mind that it is already the case in England that a custodial sentence should be pursued only as a last resort, so there is already something approaching a presumption in the English system. I am interested in seeing whether we could go further than that, but I welcome the hon. and learned Lady's approach—our shared approach, I think—of scepticism about the effectiveness of short sentences.

Joanna Cherry: As someone who worked in the criminal justice system in Scotland for 20 years before coming to the House, I can assure the Secretary of State that the idea that a custodial sentence should be a last resort existed in Scotland before the presumption against short sentences, so that is an additional presumption.

One of the bodies that gave evidence to the Justice Committee pointed out that diverting those who have been identified as low-risk offenders

“from short custodial sentences to suspended custodial sentences could reduce the prison population”

in England and Wales by about 3,000 places. Does the Secretary of State agree that the presumption against short sentences in Scotland can help to reduce the prison population, and could do so if introduced south of the border?

Mr Gauke: As I have said, I hope to say more about the approach we want to take, but there is a case that an approach on short sentences along the lines that I have discussed may reduce the prison population, but the principal purpose is not reducing the prison population. It will not be massively dramatic, but I believe it will help to reduce reoffending. That is the big prize, rather than what are likely to be relatively marginal changes to the prison population.

Legal Aid Reform

12. **Charlie Elphicke** (Dover) (Con): What steps the Government is taking to reform the provision of legal aid. [911117]

The Parliamentary Under-Secretary of State for Justice (Paul Maynard): Access to justice remains a fundamental right and the Government are committed to ensuring everyone can get the support they need to access the justice system. We recently launched our legal support action plan, with a series of changes to enhance the breadth of legal support made available.

Charlie Elphicke: I congratulate my hon. Friend on his new position and his excellent answer. Many are concerned that reductions in legal aid from 2000 onwards have gone too far, meaning that people struggle to get access to justice. Does he agree that the time has come better to fund legal aid, rethink the abolition of conditional fee agreements and ensure the court system as a whole is funded, to make sure we uphold the rule of law?

Paul Maynard: My hon. Friend is clearly easily pleased by my answers. Last year we spent £1.6 billion alone on legal aid, and that will continue. Our legal support action plan includes such measures as reviewing the means test for legal aid and the criminal legal aid fee scheme, so we constantly look to ensure the level of support is correct and appropriate.

Ruth George (High Peak) (Lab): The role of families at inquests is one of the most distressing that they come across. In February the Government said they would look into further options for the funding of legal support for families at inquests where the state has state-funded representation. What progress has the Department made that I can report back to my constituents who have suffered?

Paul Maynard: The hon. Lady makes a very fair point, and I am concerned about that myself. There has to be equality of arms in the courtroom and in inquests when the state is represented—when the state has a duty of care towards individuals. We are looking into this topic; I have nothing to report at present but I constantly engage with my officials on it. I am interested in it myself and would be happy to meet the hon. Lady if she wishes to share her ideas.

22. [911128] **Mr Marcus Fysh** (Yeovil) (Con): What opportunities are there for reforming effective access to justice, such as through legal aid and mediation, as a result of leaving the EU and not being subject to the charter of fundamental rights?

Paul Maynard: My hon. Friend alights on the pertinent point that not all legal support needs to come in the form of legal aid at the point at which a case reaches a court. Legal support can take many forms and shapes. Indeed, it might consist of a very early conversation to inform someone that their case has no merit and is best dealt with through mediation or some other means in the community.

Richard Burdon (Leeds East) (Lab): Two years ago, Taylor Alice Williams died while she was supposed to be under the care of the state in a secure children's home. Her bereaved mother, who is unable to work due to a disability, was recently told she would have to contribute thousands of pounds for legal representation at the inquest into her daughter's death. Families should not be forced to mount press campaigns to get the legal aid they deserve.

There are too many families in this desperate situation. The Government's own review estimates that 500 families a year lose a loved one in custody or state detention, leading to an inquest. Does the Secretary of State regret his recent decision to refuse those families legal aid, and will he revise the decision?

Paul Maynard: Inquests should always have bereaved families at the heart of the process, and legal aid decisions need to be considered in that light. Our recent review underlined the importance of preserving an inquisitorial, as opposed to adversarial, approach, meaning there ought to be less need for lawyers. None the less, as Dame Elish Angiolini's report stressed, while the state has a duty of care there is a case for reviewing the thresholds and criteria appropriate for legal aid entitlement as part of a wider review into legal aid entitlement.

Sexual Offences Act 2003: Definition of Positions of Trust

13. **Richard Graham** (Gloucester) (Con): If he will make it his policy to include in the definition of positions of trust in the Sexual Offences Act 2003 (a) driving instructors, (b) sports coaches and (c) other adults working with children in extra-curricular activities. [911118]

The Parliamentary Under-Secretary of State for Justice (Paul Maynard): I am grateful to my hon. Friend for this question. Protecting children from the scourge of sexual abuse in all its forms is a top priority for the Government. The law is clear: all sexual activity with someone under the age of 16 is illegal and all non-consensual activity is also illegal. However, the Government recognise that there are concerns about those who might abuse their position of power over a 16 or 17-year-old to pressure them into engaging in a sexual relationship. This is why we are working closely with colleagues across Government to take forward a review of the existing law to check that it is working effectively and protecting young people.

Richard Graham: I am grateful to the Minister for his reply, but the truth is that there have been some harrowing situations in which young women in particular, although not exclusively, have been groomed by manipulative coaches, sports instructors or driving instructors who are in a position of care. For some time, the Government have said that they will look at this closely, but have tended to fall back on the line that once people are over 16 there is not much they can do. May I urge the Minister to look at this situation closely? The NSPCC campaign is a good place to start. Will he agree to meet me and representatives of the NSPCC to discuss this issue?

Paul Maynard: I would be happy to meet my hon. Friend and Peter Wanless from the NSPCC. My hon. Friend rightly makes a number of points that need to be borne in mind. We have to give an element of consideration to individuals who are in a position of responsibility in relation to young people with the degree of vulnerability. There is always a balance to be struck so that we do not criminalise behaviour that is currently legal, and the age of consent remains at 16.

Sarah Champion (Rotherham) (Lab): People who prey on children often deliberately get themselves into a position of trust, and they know and exploit this legal loophole, as I believe the Minister is aware. Rather than simply carrying out a review, will he do what the previous sports Minister agreed to do, which is to change the law?

Paul Maynard: This is why we are having a review to ensure that we understand whether the law is working correctly and young people are being protected. I understand the points being made about sports coaches, driving examiners and many others, which is why I am keen to see the results of the review.

Leaving the EU: Assessment of Implications

16. **Patrick Grady** (Glasgow North) (SNP): What recent assessment he has made of the implications for his Department's policies of the UK leaving the EU. [911121]

The Parliamentary Under-Secretary of State for Justice (Paul Maynard): The Government continue to believe that leaving with a deal is the best outcome for the UK. For my Department, this means seeking a new agreement on civil digital co-operation as well as a future security partnership that protects our shared law enforcement and criminal justice capabilities.

Patrick Grady: The Minister is doing a great job at the Dispatch Box. Does he agree with the Home Affairs Committee that, in the event of no deal, being forced to rely on the 1957 convention on extradition rather than the European arrest warrant would be a "catastrophic outcome"? Does he therefore agree that the next Prime Minister, whoever that might be, should rule out the UK crashing out of Europe without a deal?

Paul Maynard: We have always made it clear that we do not seek a no deal. We have also made it clear that any future security partnership with the EU would have to include protecting our shared law enforcement elements as well as the criminal justice capabilities. If this can technically be done and it is lawful, there is no reason why it should be left out of any future security agreement.

Prison Officer Recruitment

18. **Eddie Hughes** (Walsall North) (Con): What recent progress his Department has made on recruiting 2,500 new prison officers. [911123]

The Minister of State, Ministry of Justice (Robert Buckland): Our target to recruit an additional 2,500 officers was successfully achieved in the first quarter of last year, ahead of schedule. From October 2016 to 31 March this year, there was an increase of 4,675 full-time equivalent prison officers.

Eddie Hughes: I welcome that increase in the number of prison officers. What progress has been made with the key worker scheme in prisons?

Robert Buckland: The key worker scheme is an important part of improving support for prisoners, leading to safer prisons. That work has begun in all 92 prisons in the male closed estate, and 66 of them have completed implementation activities and started to deliver key work. Only last week I spoke to prisoners in two of those prisons who are already receiving the benefits of that interaction.

Topical Questions

T1. [911129] **Luke Pollard** (Plymouth, Sutton and Devonport) (Lab/Co-op): If he will make a statement on his departmental responsibilities.

The Lord Chancellor and Secretary of State for Justice (Mr David Gauke): On 28 May, we announced changes to the release on temporary licence—ROTL—rules, which will allow prisoners to be considered for temporary release earlier. This will provide more opportunities for them to work and train with employers while serving their sentence and increase their chances of securing an immediate job on release. Research shows that time spent on ROTL working in the community or rebuilding family and community ties before release significantly reduces a prisoner's likelihood of reoffending. ROTL is permitted only after a rigorous risk assessment, and the compliance rate is over 99%. Any non-compliance is dealt with robustly.

Luke Pollard: I have a lot of time for the Justice Ministers, but will the Secretary of State explain why there are no women in his ministerial team?

Mr Gauke: It is not for the Secretary of State to appoint his ministerial team, but I am delighted to welcome some strong new team members. They replace two outstanding Ministers who have gone on to higher and, I hope, greater things.

T6. [911134] **Steve Double** (St Austell and Newquay) (Con): A recent survey found that many divorced or separated fathers are being prevented from staying in touch with their children despite indirect contact orders from the courts. What steps are the Government taking to ensure that fathers can have regular and meaningful contact with their children in such cases?

The Parliamentary Under-Secretary of State for Justice (Paul Maynard): I am grateful for that question, and I am genuinely sympathetic towards those in such situations. Family breakdown always takes a toll on those involved, whether parents or children, but the child's welfare is paramount in court decisions about their upbringing. The law remains gender-neutral and presumes that a parent's involvement in a child's life is beneficial unless there is evidence to the contrary.

Richard Burgon (Leeds East) (Lab): I recently met Donna Mooney, the sister of Tommy Nicol, who sadly took his own life in prison while serving an imprisonment for public protection sentence. I am sure that the Secretary of State will also want to meet her soon. It is a cause of regret that IPPs were ever introduced; their Labour author now acknowledges that. They were not reserved for the most serious of offences, too often effectively becoming a life sentence for those who had committed minor crimes. Does the Secretary of State agree that much more needs to be done to provide opportunities for people who are now way over their short IPP tariffs to prove that they no longer pose a risk to the public?

Mr Gauke: It was right that the coalition Government abolished IPPs, which were brought in by the previous Labour Government, and there is consensus that that was the right thing to do. The difficulty is that the

Parole Board now assesses in each case whether someone with an IPP sentence would be a risk to society, and the board must obviously ensure that public protection is put first. It is also right that we seek to do everything we can to rehabilitate IPP prisoners so that they can be released into the community.

T7. [911135] **Mr John Whittingdale** (Maldon) (Con): Does my right hon. Friend agree that the separation of powers is an important element of our constitution, and that as a general rule the involvement of the courts in matters of political argument or debate may threaten that principle and create a dangerous precedent?

Mr Gauke: This country has a robust tradition of political free speech, and the electorate can and should hold politicians to account. We also have a robust tradition of the courts being capable of determining whether a case is meritorious or unmeritorious.

T2. [911130] **Bambos Charalambous** (Enfield, Southgate) (Lab): Since 2011, there has been a huge rise in the number of parents facing child custody cases without legal representation. Will the Minister explain why his Government's review of damaging Conservative cuts to legal aid did not address that matter?

Paul Maynard: I think it is because that is unfair. We are looking carefully at how we manage demand in the family justice system. We are ensuring that legal support is offered within the family courts, and that can take many forms, not just legal aid. For example, the personal support unit now operates in 23 courts across 18 cities, so we are looking to make sure that the right support is given to those in the family courts at the right point in the legal process.

T8. [911136] **Robert Halfon** (Harlow) (Con): My Harlow constituent waited eight hours in a sexual assault referral centre, unable to wash and in a state of emotional distress, after a man attempted to rape her. What steps is the Ministry of Justice taking to ensure that sexual assault referral centres are properly staffed to assist survivors of sexual assault and reduce waiting times?

The Parliamentary Under-Secretary of State for Justice (Edward Argar): My right hon. Friend makes an important point. SARCs fall under the remit of the Department of Health and Social Care, but NHS England commissioned a report last year to assess the current state and future needs of the SARC workforce. Alongside SARCs and other victim support services, I have increased the funding available to rape and sexual violence support services by 10%, moving the funding from an annual to a three-year cycle.

T3. [911131] **Deidre Brock** (Edinburgh North and Leith) (SNP): Last month the Scottish Government raised the age of criminal responsibility to 12 years, which should ensure that young children are not left with criminal records that follow them into adulthood. In England, however, the age of criminal responsibility is 10 years. Will the Government consider following the Scottish Government's approach?

Mr Gauke: We have no plans at present, but I am conscious that England's age of criminal responsibility is lower than in most western countries. I am sure this matter will be kept under review.

T9. [911137] **Alan Mak** (Havant) (Con): Having worked with his predecessor, it is clear to me that new technology in prisons can help with rehabilitation, so what plans does my hon. and learned Friend have in this area?

The Minister of State, Ministry of Justice (Robert Buckland): My hon. Friend is right to emphasise the importance of technology in rehabilitation, which is why in-cell telephones have now been rolled out to 18 prisons and work is under way to deliver them to a further 30 prisons by March 2020. The introduction of basic computers, with the necessary controls, can allow prisoners to start managing some of their day-to-day tasks ahead of potential release.

T4. [911132] **Mr Jim Cunningham** (Coventry South) (Lab): The Coventry rape and sexual abuse centre, a voluntary organisation in my constituency that deals with rape and domestic violence, has been going for over 20 years but has struggled for sponsorship support. Will the Minister meet me to discuss funding?

Edward Argar: As I mentioned in response to a previous question, I have increased by 10% the funding available to rape and sexual violence support services. The hon. Gentleman highlights a specific case, and I would be delighted to meet him to discuss it.

Robert Neill (Bromley and Chislehurst) (Con): Both as a constituency MP and when I look at the media, I am concerned by increasing reports of cases being adjourned, often at the last minute, for the lack of a judge being available, particularly in the Crown and county courts. At the same time, courtrooms sit empty and Her Majesty's Courts and Tribunals Service is not advertising vacancies for recorders—part-time judges who are willing and able to fill those vacancies. Will the Minister urgently investigate what appears to be a lack of joined-up government by HMCTS?

Paul Maynard: I am very aware of this issue, which I have been discussing with various people at the top end of HMCTS. It is important that we recruit sufficient judges, on which we need to do better. I will happily discuss it with my hon. Friend and provide a fuller answer when I appear before his Select Committee next week.

T5. [911133] **Ruth Cadbury** (Brentford and Isleworth) (Lab): Is the Minister concerned that figures released in March show that prosecutions for rape are now at a five-year low? Victims could be reluctant to come forward because they have lost faith in the justice system. Will he commit to working closely with the Home Office and the Law Officers to look into this worrying situation?

Edward Argar: The hon. Lady raises an important point. She alludes to the fact that this falls more directly within the remit of the Attorney General's office but, of course, it cuts across a number of Departments. I have already had a number of meetings with my opposite number in the Home Office and with my new colleague,

the prisons Minister, when he was Solicitor General. I look forward to further such meetings to get to the bottom of exactly what the hon. Lady highlights.

Luke Hall (Thornbury and Yate) (Con): HMP Leyhill is a category B prison in south Gloucestershire. The number of abscondee is reducing year on year, but there remains significant concern in the community following an incident last year involving a school just half a mile away. Will the prisons Minister be good enough to visit south Gloucestershire to see this prison and to talk about the emergency mechanisms that need to be put in place?

Robert Buckland: I am grateful to my hon. Friend, and I am more than happy to visit Her Majesty's Prison Leyhill not just to look at that specific issue but to see the conditions in that category B prison for myself.

Rachael Maskell (York Central) (Lab/Co-op): In addition to reviewing the Sexual Offences Act 2003, as raised by the hon. Member for Gloucester (Richard Graham), will the Minister look at families who host international students and who are put in a position of trust over young people?

Paul Maynard: The hon. Lady raises a good example of a position of trust, which is the sort of thing I want to look at. If she wishes to write to me with further details, I will make sure we include it in the review we are conducting.

Gareth Johnson (Dartford) (Con): Patrick Mackay, formerly of my constituency, is one of Britain's least known but most dangerous serial killers. In 1975, he admitted to three counts of manslaughter, but he is strongly suspected of carrying out a further 10 killings, including that of a four-year-old boy. Mackay is now eligible for parole and may well have already been moved to an open prison. Does the Secretary of State share my deep concern about the potential release of this man, still only in his 60s, and will he enable me to make the fullest possible representations to the Parole Board?

Mr Gauke: I pay tribute to my hon. Friend who has taken up this issue tirelessly. As he knows, the Parole Board will release a life sentence prisoner only when, in its view, it is no longer necessary on the grounds of public protection for a prisoner to remain in custody. In making its determination, the board will consider reports from those who manage the prisoner and have assessed the risk of harm he presents. The board will also consider all relevant evidence of the prisoner's risk of harm, and if my hon. Friend has such evidence I am sure it will be listened to closely. We will ensure that it is fully considered for inclusion in the dossier of reports given to the Parole Board.

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): My constituency is colossal—the second biggest in the UK—and the cost of travel to courts is a big issue. I plead with the Government to look at legal aid with a view to changing it to reflect the hardship that some of my constituents suffer from in paying the cost of getting to court.

Paul Maynard: I gently advise the hon. Gentleman that in his constituency that would be a matter for the Scottish Government. Beyond that, I recognise that it is an issue across the country. We wish to look at that in our legal services action plan to make sure that, if

people are struggling to access justice, we have a new set of guidelines on how we keep open various courts and tribunals that will help to make sure that our courts remain as accessible as possible to as many people as possible.

EU Parliament Elections: Denial of Votes

3.37 pm

Cat Smith (Lancaster and Fleetwood) (Lab) (*Urgent Question*): To ask the Minister for the Cabinet Office if he will make a statement on why non-UK EU citizens were denied their right to vote in the European parliamentary elections.

The Parliamentary Secretary, Cabinet Office (Kevin Foster): The Government took all the legal steps necessary to prepare for the European parliamentary elections and put in place all the necessary legislative and funding elements to enable returning officers to make their preparations. We worked with returning officers, the Electoral Commission and other agencies, such as the Society of Local Authority Chief Executives and Senior Managers and the Association of Electoral Administrators, to support the smooth running of the polls. The Government are greatly appreciative of electoral administrators' hard work inside and outside election periods, which resulted in a higher turnout than for previous European parliamentary elections.

Electoral registration officers are under a statutory duty to ensure that people who are eligible to vote in elections have the opportunity to do so. For the recent European Parliament elections—as for all previous such elections—that included making sure that EU citizens who are resident in the UK and registered to vote in local elections were made aware that they needed to complete a voter registration and declaration form, commonly referred to as a UC1 or EC6, so they could vote in the UK. The Electoral Commission supported EROs in this and encouraged them to take additional steps to raise awareness of this requirement locally, through social media channels and other means.

The UC1 form implements a requirement under EU law. EU Council directive 93/109/EC requires all member states to send the details of any EU citizens' declarations to the state they are a citizen of,

“sufficiently in advance of polling day”,

to ensure that an EU citizen does not vote twice in the same European parliamentary election. That is not a new requirement and has been in place for previous European parliamentary elections. Similar provision applies to UK citizens living in other EU member states. The UC1 form was accessible on the websites of the Electoral Commission, local authorities and Your Vote Matters.

On 5 April, the Electoral Commission published guidance for local returning officers and EROs on the upcoming European parliamentary elections. In it, the Electoral Commission reminded EROs to prepare and issue UC1 forms to EU citizens on the electoral register. On 3 May, the Electoral Commission published guidance advising EU citizens to avoid registering to vote using unofficial registration sites. The guidance further stated:

“Any EU citizen who wants to vote in the European Parliamentary election in the UK must also print, complete and return a declaration form stating that they will only vote in the UK.”

The guidance also included a link to the Your Vote Matters website, where the form could be downloaded.

Cat Smith: The numbers of non-UK EU citizens who were reportedly denied a vote in the European elections should be a source of shame for the Government. We are talking about people who live and work here and who contribute to our communities, yet for the past three years they have been insulted, exploited, asked to apply to stay in their own homes and now denied a voice in an election that has massive implications for their futures. Have the Government learned nothing from the Windrush scandal about the consequences of shutting citizens out of public life?

After the previous set of European elections, the Electoral Commission warned that we needed to streamline the two-step registration process, like other European countries have done. Why did the Government refuse to listen? They buried their head in the sand in respect of the elections, even at the eleventh hour when it was clear that the House was not going to pass their botched Brexit deal. The Opposition repeatedly warned that EU nationals were not given enough time and notice. We put forward reasonable requests that could have been adopted to mitigate the risks, such as ensuring that EU citizens were handed a copy of the form when they voted in local elections and extending the deadline by a week to ensure that the forms could be returned.

What was the Government's response? It was to tell EU citizens to vote in their own country. Not only did that add to the anger and sense of exclusion that many felt, but it was asking people to register to vote in a country that they may not have lived in for decades and where voting registration may well have closed. Does the Minister acknowledge how insulting that was? Will he apologise to those affected? Campaign groups have already raised more than £40,000 to fund a legal challenge; have the Government assessed whether their actions were compliant with the law? The failure to act made this democratic disaster sadly inevitable. In the light of the overwhelming evidence, will the Government conduct a full and urgent investigation?

Kevin Foster: We have to be clear that the process was exactly the same as what was required back in 2014 and 2009. The legal structure for how the vote takes place has not changed.

On the deadlines referred to, I can remember having a discussion with the shadow Minister about whether it would be possible to change the registration date, but that would have run up against the clear requirement that we have to share the declarations

“sufficiently in advance of polling day”.

That means sharing them in advance of polling day, not just a day or two before, to allow registers to be completed in home nation states. To be clear, this process has been in place for some years.

I accept the point that obviously people did not necessarily expect the EU elections to happen, given the result of the referendum and the fact that 80% of the people who voted in 2017 did so for parties that had pledged to respect the referendum result—something we have not seen much evidence of on the Opposition Benches. The Electoral Commission will review the European elections, as it reviews any other electoral event, and will look into any issues raised. As a responsible Government, we will of course consider carefully what the Electoral Commission says.

Mrs Maria Miller (Basingstoke) (Con): I thank the Minister for his statement.

I was contacted by a handful of my constituents about this issue. My local authority has confirmed that the relevant paperwork was sent out entirely in accordance with the rules on 12 April, to be returned by 7 May. Several thousand of those forms were returned, so the process was clearly working, but for a handful of people there seems to have been some confusion. Will the Minister confirm from the Dispatch Box that he will look carefully at the Electoral Commission's report on the election, to understand why that group of people found it so difficult to follow the rules in this instance?

Kevin Foster: I thank my right hon. Friend for her question. I am pleased to hear her experience, which is that thousands did return the declaration and were able to take part. We will of course listen very carefully to what the Electoral Commission has to say in its review of the European parliamentary elections. The turnout did go up. In fact it was much, much higher than it was in 1999, which is the last time we had stand-alone European elections, so, again, that gives us some confidence in the system. None the less, we will certainly consider very carefully the points that the Electoral Commission brings forward and look at whether any changes are required.

Tommy Sheppard (Edinburgh East) (SNP): Whether by accident or design, this Government have presided over the disenfranchisement of hundreds of thousands of our neighbours and friends who wanted to vote in that election but were unable to do so. Frankly, the Minister's complacency here today is simply compounding the problem. He acts as if this were some sort of surprise. Back in 2014, many people told the Cabinet Office that the system then was inadequate. The Electoral Commission itself called for a review of the UC1 system. Therefore, given the additional dubiety and uncertainty created by this Government about the fact that these elections would take place this year, surely it must have been obvious that something needed to be done in order to improve the situation. At any stage did Ministers approach the European authorities to get a dispensation from the regulations in order to cope with the situation in the United Kingdom? At any stage did Ministers consider bringing forward a statutory instrument to this House in order to truncate the existing system for filling in the UC1 form? Will the Minister promise that there will be a full and public investigation into this debacle?

Kevin Foster: Let me be clear: the Council directive is a piece of EU law. It is not something from which we can seek derogations or exemptions. I know that, normally, those on the Scottish National party Benches are very keen to see European law there and fully complied with. This is about an election across all 28 member states for one Parliament; this is not about a uniquely British election.

With regard to looking at the options open to us, we did briefly ask for official advice, but on whether it would be possible to consider a statutory instrument, I have to say that that rubs up against our need to implement that exact expression of being sufficiently in advance of polling day. Given that our registration deadline was 7 May—roughly two weeks before—it is hard to see how we could move much more beyond that date. As for how

we will look at this matter, the Electoral Commission will comply with its statutory duty to conduct a review of how the elections were conducted. It is a body that has solid election knowledge, is appointed independently and is not under the control of Government. We can all think of views that the Electoral Commission has expressed that we have either loved or loathed. That is our best option. We will therefore carefully consider what conclusions it brings back.

Hilary Benn (Leeds Central) (Lab): The Minister does not appear to appreciate the Government's responsibility for this mess. It was not until Tuesday 7 May that the Chancellor of the Duchy of Lancaster said that the UK would definitely be taking part in the European elections. As the Minister has just admitted, Tuesday 7 May was also the closing date for the receipt of UC1 forms. Given that the Government must have known since 11 April, which was the date on which the EU granted us a further extension to 31 October, that we would be taking part in these European elections, why did it take the Government from 11 April to 7 May to confirm that fact? Earlier confirmation would have allowed more EU citizens to get their UC1 forms in in time, and they would therefore not have been denied the right to vote on 23 May.

Kevin Foster: I thank the right hon. Gentleman for his question. As I said in my earlier answer, it was on 5 April that the Electoral Commission published guidance for local returning officers and EROs, and it was on 8 April that my right hon. Friend the Chancellor of the Duchy of Lancaster laid the necessary orders for the poll. There was no restriction on submitting a UC1 application before those dates. There was no need to wait until it was completely confirmed to submit that form. As has been said, a number of EU citizens who are resident in this country made arrangements to vote in this election in the state of which they are a citizen. It is therefore clear that there was no undue delay and that advice was pushed out. By 3 May, there was clear advice published by the Electoral Commission, which has the primary role in promoting how citizens use their electoral rights in this country.

Tom Brake (Carshalton and Wallington) (LD): We see shocking complacency from the Minister and a complete denial of any Government responsibility for this shambles. A number of MPs—me included—raised these concerns in advance of the election, saying that EU citizens were going to be disenfranchised. And sure enough they were, as they were in the EU referendum. Is the Minister aware of legal advice that says that the use of the UC1 form is discriminatory, and will he—he has not yet answered this question—support calls for an inquiry into this shambles and the Government's role in it?

Kevin Foster: The suggestion that the UC1 form, which has been used in a number of European elections, is now discriminatory is absolutely for the birds. It is a process that we have used for other elections and it is part of implementing a requirement under European law. The Liberal Democrats cannot say that they like the European Union's laws one day and then demand that we should just ignore them the next, when it suits them. It is clear that the Council directive requires us to complete declarations and to send them sufficiently in advance of polling day.

Tom Brake indicated dissent.

Kevin Foster: The right hon. Gentleman may shake his head and dislike what I am saying, but that is the wording of the legislation. The Electoral Commission will conduct a full review, and I look forward to reading and receiving its conclusions.

Mr Ben Bradshaw (Exeter) (Lab): The Minister said—once again, erroneously—that 80% of voters in the referendum voted for parties that supported a Tory Brexit. He knows that to be completely wrong. What he omitted to say was that the majority of voters who voted in the European elections voted for parties who want another referendum and want to remain in the European Union. The Minister was warned repeatedly about this issue in this House and outside it, yet we all have examples of constituents who came up to us in desperation on election day, having done all the right things but having had their names crossed out when they arrived at the polling station. It is an absolute scandal. Does this not reveal a Government who did not investigate properly the proven subversion and lawbreaking in the referendum, and who have absolutely no interest in the integrity of our democratic process? The Minister should resign.

Kevin Foster: Oh dear; well, I will not thank the right hon. Gentleman for that question. The reality is that we have an independent Electoral Commission and an independent police force which does not—and should not—operate under political guidance. Despite the right hon. Gentleman's obvious disagreements with the referendum result, the relevant bodies have obviously looked at the evidence and come to their conclusions. It will be a dark day when Ministers at the Dispatch Box instruct the police and the Electoral Commission how to behave.

As I say, the UC1 form implements a requirement under European Union law. As for the right hon. Gentleman's figures regarding the vote itself, they are not figures that I recognise because they normally imply that my party is somehow supporting remain.

Catherine West (Hornsey and Wood Green) (Lab): Seven weeks ago, Mr Speaker kindly granted me an urgent question on this exact topic, but the warnings were not heeded. Scores of EU voters were in touch with my busy office and with the electoral registration officer on Haringey Council on the day, just as predicted by many Members in this House on 25 April. Will the Minister lay out exactly what investigations his team will undertake now to put this situation right once and for all?

Kevin Foster: The Electoral Commission will do a report and present its conclusions—as it does with all major electoral events in this country—and it will do so independently, not under the direction of a Minister. We will then consider its conclusions carefully. To resolve the issue completely, we will look to implement the 2016 referendum result, as we have pledged to do.

Ms Angela Eagle (Wallasey) (Lab): I think the Minister has misunderstood his job. He seems to think it is about disenfranchising people who are going to vote the wrong way. After the 2014 European elections, the Electoral Commission warned that the current practice of requiring

citizens to complete an additional form needed to be more streamlined, moving to a near automatic system of inclusion as is the case in most other European countries, yet the Minister and his Department did precisely nothing about it. *[Interruption.]* Perhaps he could get the smirk off his face. We are actually talking about democratic involvement; even though the Minister does not seem to rate it, Labour Members think that it is an important principle.

Kevin Foster: This is a process that has been used before in elections that actually happened under a Labour Government as well—let us be clear about that. It is a process where we followed the law. We had to comply with the European Council directive in how we held these elections, and that means having a declaration that we send over. If we wanted to talk about disenfranchising people, we could talk about what happened when an arbitrary limit of 15 years was imposed on overseas elections.

Ian Murray (Edinburgh South) (Lab): Dozens and dozens of my EU national voters were disenfranchised at this election. Given that the election has now gone, would it not be prudent for the Government to re-enfranchise them by holding a public vote on how we leave the European Union, allowing people who live, work and pay their taxes here, and who have done so for decades, to be involved in the future running of this country?

Kevin Foster: Let us be clear: Britain's membership of the European Union was first decided by the parliamentary franchise in the form of the elections to this House back in 1972. It was therefore the parliamentary franchise that was used, with the addition of Gibraltar and Members of the other place. That is the one that the House chose for the referendum in 2016, and hopefully this House will actually finally listen to what was said in 2016 and implement that referendum vote.

Joanna Cherry (Edinburgh South West) (SNP): On 23 May, a significant number of my constituents who are EU nationals were denied their basic human right to vote, despite me and others having repeatedly raised on the Floor of the House the risk that that would happen, including my making a direct appeal to the Prime Minister at PMQs on the day before the elections to use the power of her office to do something about it. Does the Minister appreciate how this scandal has exacerbated the fears of EU citizens that their rights are not taken seriously by this Government? Does he therefore understand why there must be an inquiry into the Government's failure to act, and will he answer the question posed by so many other hon. Members and commit to that inquiry?

Kevin Foster: I recall that the hon. and learned Lady's suggestion at Prime Minister's questions was about having forms at the polling station. However, that would directly conflict with the requirements of the Council directive, which says:

“sufficiently in advance of polling day.”

We could not have complied with that in having forms at the polling station. In terms of a review of what happened, as I have now said several times, the Electoral

[Kevin Foster]

Commission, as it always does, will review the conduct of the poll and bring forward recommendations, and it is completely independent in doing so.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): Can I say to the junior Minister that I feel sorry for him? Here he is, like the last boy left on the burning deck of the ship. He has no colleagues behind him. There is an absence of Government—where is his boss? The fact is that this is an important issue for democratic responsibility and accountability, and for parliamentary democracy, and we want to know the answer. Yet here we have—I hope it can be seen all over the world—an empty Chamber where this country has no Government and no Back Benchers: it has nothing. When are we going to get a general election to get rid of this ghastly regime?

Kevin Foster: I think that one is probably slightly beyond the scope of this urgent question. I would always say that it is good to have quality of support, if not necessarily quantity, on the Benches with me. The key issue in elections is that we comply with the law, and the law is as it has been set down for previous European elections. A key part of that is making sure that we comply with European law, given that this is not purely a vote in the UK about UK delegation members—it is ultimately an election of the entire European Parliament.

Hywel Williams (Arfon) (PC): Listening to the Minister's initial answer, I wondered, if this was all so good, why did it turn out so badly? The Government claim to have been preparing for “all Brexit eventualities”, yet despite the billions of pounds being set aside, we have still had this blundering democratic deficit. Is there not a real danger that this Government's reputation for Brexit splits and betrayals will be excelled by an equally deserved reputation for incompetence?

Kevin Foster: The thing I look at is that the turnout rose for the European elections this time. There may be criticisms about how things are handled, but I always look at how many people turned out and engaged, and it was the highest turnout for 20 years.

Thangam Debbonaire (Bristol West) (Lab): The Minister does not seem to have accepted the fact that this vote happened as a result of something that was entirely predictable. The Department for Exiting the European Union has a Minister for no-deal Brexit. Why has it not considered that the third of the possibilities outlined by the Prime Minister might happen, and it should therefore have a Minister for no Brexit?

Kevin Foster: I thank the hon. Lady for her question. The reality is that this Government are absolutely committed to implementing the democratic will of the British people expressed in the referendum in 2016, and it is a pity that other parties are not.

Lloyd Russell-Moyle (Brighton, Kemptown) (Lab/Co-op): I wrote to every single one of my EU national constituents at my own personal cost to inform them of this voter suppression. I wonder whether the Minister will repay me the cost of the postage, and whether he will also reflect on article 9(4) of the directive he cites, which says

that Community voters “shall remain” on the register until they are removed. Getting them all to re-sign the form was therefore a breach of Community rules, and he should learn his law better.

Kevin Foster: I am afraid that this is exactly the same procedure that was adopted in 2014 and in 2009—

Lloyd Russell-Moyle: And the Commission said it was wrong.

Kevin Foster: I am interested to hear what the hon. Gentleman's comments were about the then Labour Government.

Lloyd Russell-Moyle: Goodness me, man!

Mr Speaker: Mr Russell-Moyle, you are a person of passionate convictions. You are in some danger of rivalling your hon. Friend, the hon. Member for Kingston upon Hull East (Karl Turner), who I am inclined to inform audiences across the country and round the world is the noisiest Member of the House. That is a questionable accolade.

Drew Hendry (Inverness, Nairn, Badenoch and Strathspey) (SNP): Many EU nationals in my constituency were also denied their vote. It is simply unacceptable that registered voters who have turned out to vote were turned away without explanation. As decreed in article 39 of the EU charter of fundamental rights, the right to vote is universal and equal. Does the Minister agree that this fiasco is something that a modern democracy should not tolerate?

Kevin Foster: As I said, the Government took all legal steps necessary in conducting the European parliamentary elections. That included complying with European law, including the Council directive, which requires details of these declarations to be sent “sufficiently in advance” of polling day. We cannot just assume that people wish to vote in this country, rather than the country where they are a citizen.

Anneliese Dodds (Oxford East) (Lab/Co-op): The Minister is actually right about two things. He is right that this process has been used before, and he is right that the Electoral Commission makes independent recommendations. But ridiculously, he refuses to acknowledge that Conservative Ministers ignored those recommendations about this process right back in July 2014. Does he acknowledge that the Electoral Commission made recommendations about this process back in July 2014—yes or no?

Kevin Foster: As I have said in numerous answers, we complied with the legal steps necessary to conduct these polls, following the House's refusal to back an exit from the European Union which many Members elected to this place had pledged to do. We will of course listen with interest to the Electoral Commission's review of these elections, but it is our intention that the UK will no longer participate in European parliamentary elections, having implemented the result of the referendum.

Peter Grant (Glenrothes) (SNP): If there had been 1 million Conservative voters—yes, I know—threatened with disenfranchisement by uncertainty about whether the elections would take place, the Government would

have moved heaven and earth to ensure that they were registered and enfranchised before the vote took place. Is it not a fact that anyone who wants to know about his party's and his Government's contempt for the rights of EU nationals does not need to listen to his complacent answers today—they simply need to look at the Benches behind him?

Kevin Foster: EU citizens can be reassured that there is a huge amount of work going on to ensure that their rights are protected after Brexit, including their democratic rights in this country. Let us be clear: UC1 forms and declarations of their nature are not unusual for UK citizens living in the EU. We have used them before, and we will hopefully not use them again, because we believe in respecting referendums, although I accept that for the Scottish National party, that is a rather unusual concept.

Vicky Foxcroft (Lewisham, Deptford) (Lab): Paloma Luna has lived in my constituency since 1992, and she has voted in every single local and European election until this year. Because of the impossible timetable set by the Government for our electoral services, Paloma never received the UC1 form. Electoral services normally have three months for such things, and this time they had three weeks. What does the Minister have to say to all of those who were denied their fundamental, basic human right to vote? And please do remember that these are human beings.

Kevin Foster: Starting with local elections and Assembly elections, there is absolutely no need to complete a UC1 form, because there is no requirement to make a declaration to another member state, so those electoral rights are protected and clear, and many used their vote in the local elections three weeks prior. To be clear, this is a process where we did what we could to make sure people were available. The Electoral Commission put out guidance and encouraged local returning officers well before the election—about a month before the actual deadline for registration. Plus, we have moved on in recent years in allowing registration online, something that was not available in the past.

Martin Whitfield (East Lothian) (Lab): It is disappointing that some areas seemed to accept UC1s on the day of the election, but not those in Scotland, which said they were instructed to do that. The Minister has said that he took “all legal steps”, so can he confirm the percentage of UC1 forms that were forwarded to countries overseas between 7 May and the election?

Kevin Foster: To be clear, UC1s should not be being accepted on polling day, given that the Council directive is very clear that the information needs to be exchanged sufficiently in advance of polling day. Once information was collated after 7 May, it was then communicated to member states, just as other member states communicated those details to us. That process has existed for many years.

Jo Stevens (Cardiff Central) (Lab): A number of my EU-national constituents were prevented from voting on 23 May, and they are exceptionally angry about it. The issues on polling day were a direct and deliberate result of the failure by the Government—the coalition Government and then the Conservative Government—to address the concerns raised by the Electoral Commission after the 2014 elections. At the very least, my constituents are owed an apology. Are they going to get one?

Kevin Foster: Again, I can make it clear that the Government took all legal steps necessary to conduct this poll, as we were legally obliged to do. As I say, we will look with interest at what the Electoral Commission's review of this election states. However, we are clear that we have no intention of taking part in the EU parliamentary elections in 2024, because we intend to leave the European Union and honour the referendum result.

Ged Killen (Rutherglen and Hamilton West) (Lab/Co-op): Is the Minister seriously trying to say that nothing went wrong here, and that is why he will not apologise? I, too, have constituents who sent all the forms off in time and who went on the day with an extra form just in case, and they were denied the right to vote. They were disenfranchised by this Government. Surely they are owed an apology. Will the Minister take that opportunity now?

Kevin Foster: Again, what I would say is that we will ask the Electoral Commission to review that for anyone who did comply with the requirements, although clearly we would need to look at what happened in that particular instance with that particular ERO. Ultimately, at the end of the day the UC1 is not an optional process; we have to comply with the Council directive. That is not something we have an ability just to vary.

Alison Thewliss (Glasgow Central) (SNP): First, I would like to thank David Miller and his team at Glasgow City Council for doing their very best in the circumstances this shambolic Government have thrown at them. Those circumstances resulted in one of my constituents, who had registered in time when they moved into their property in Dalmarnock, not having enough time to get the UC1 form back and therefore losing their democratic rights. Will the Minister issue an instruction to returning officers to ask them how many people lost their votes in similar circumstances, and to ask for their advice on what the Government should do in response?

Kevin Foster: I thank the hon. Lady for her question. Clearly, it is the Electoral Commission that will be conducting the review of how the election went, and I am almost certain it will be in contact with local returning officers to discuss any issues that were raised. Likewise, at that point it would certainly more than welcome and would probably be quite interested in hearing the experiences of how the process operated in reality.

Rachael Maskell (York Central) (Lab/Co-op): The Minister knows that the Government were tearing themselves apart on whether or not to participate in these EU elections until 7 May, but what steps did his Department take to talk to other EU countries about extending the deadline? In the age of electronic communication, surely fewer than 16 days is necessary.

Kevin Foster: The Government were never tearing themselves apart over whether to hold the elections. We were clear that we would fulfil our legal obligation to hold them if necessary as a member of the European Union, and we did. Regarding the exchange of information that already takes place electronically, there is a clear need to finalise registers at a certain point, and to ensure that information is collated and then exchanged with other member states. The timescales now are similar

[Kevin Foster]

to those put in place in the past, and the UK is one of the first countries to vote, on the Thursday, along with Holland. Even though some countries vote later, we have to be ready for the start of the European elections, not halfway through.

Paul Blomfield (Sheffield Central) (Lab): The empty Government Benches will send a powerful message to EU nationals across the country. Many of them in my constituency contacted me to say that they had registered to vote online, after it became clear on 11 April that the elections would be taking place; they told me that the system did not alert them to the need to complete a UC1 form, nor was it available online. Does the Minister accept that the Cabinet Office's failure to ensure that proper processes were in place denied them their vote?

Kevin Foster: To be clear, the Electoral Commission website had guidance on registering to vote; the UC1 form was available; and there were links to the Your Vote Matters website, where the form could be downloaded and returned. It was available online. There were some issues with those who mistakenly used unofficial registration sites, and perhaps the Electoral Commission will consider how we can make clearer the differences between unofficial websites purporting to be for electoral registration and Your Vote Matters, the official Electoral Commission site.

Kate Green (Stretford and Urmston) (Lab): My constituent, a Spanish national, had a similar experience: he believed he had returned his UC1 form digitally, but the local authority said it could find no trace of it, and advising him on 3 May on a website that he should have downloaded it, printed it out and posted it back is not reasonable when he had an expectation that his digital form was acceptable. Is it not time there was a proper Government-sponsored inquiry into every stage of the process, so that we can understand exactly what went wrong with both the system and the information available to voters?

Kevin Foster: I think it right that the Electoral Commission independently looks at the process for the European parliamentary elections and draws its conclusions independent of Government. That seems to me to be a process that builds more confidence in the recommendations that emerge.

Ruth Cadbury (Brentford and Isleworth) (Lab): The Minister says the legislation is in place, but the processes clearly are not, despite the recommendations from the 2014 investigation, which have not been implemented. Many of my constituents have contacted me to say they were refused the vote on election day, despite their having voted in London and council elections, and even the 2014 European parliamentary elections. Does the Minister not acknowledge that this debacle only adds to the anger and sense of exclusion felt by so many of the

3 million EU citizens in this country since the 2016 referendum? Is it not worried that it will exacerbate the rate at which EU citizens leave our country and so no longer contribute to our society?

Kevin Foster: One of the handy things of having my hon. Friend the Minister for Immigration on the Bench beside me is that I know that there are still more EU citizens coming to this country than leaving. We very much welcome that, given the skills and talents they bring to this country.

The process we follow is similar to the one used in other EU states for UK citizens living abroad. I understand that people have concerns. My big concern would be if turnout had gone down, but in fact turnout went up. One of the biggest threats to European parliamentary elections was the absolutely dismal turnout 20 years ago.

Daniel Zeichner (Cambridge) (Lab): It really does seem that sorry is the hardest word. My constituents have faced all the problems outlined by my hon. Friends, including the situation where the form has been properly filled in but they are still denied the vote—and, of course, denied their vote in their home country, so they are doubly disenfranchised. At the end of these exchanges, could the Minister show some grace on behalf of the Government and apologise not to Opposition Members, but to the people who have been disenfranchised?

Kevin Foster: As I touched on earlier, we would expect the Electoral Commission's review to look at issues with local councils where the form was returned in compliance with the law and then not complied with. The Government would not have dealt with that directly. Election turnout rose compared with previous similar elections, and we hope that this election will not take place again following the UK's exit from the European Union.

Luke Pollard (Plymouth, Sutton and Devonport) (Lab/Co-op): "This feels like one big scam"—that is what one citizen I represent told me about his experience of this process. I say to my fellow Devon MP that I think he has got this one wrong. When the Electoral Commission publishes its report, will he now commit to publishing it and bringing it back to this House with a statement, so that he can say sorry, from the Dispatch Box, to all the EU citizens who have been denied a vote, and set out how it will be corrected in future?

Kevin Foster: I always respect the passion of the hon. Gentleman, my friend from Devon, when it comes to raising issues and campaigning on behalf of his constituents. We will of course see what the Electoral Commission report brings back. It will be a public report, so it will be published. We will certainly then consider what next steps would need to be taken if we were ever to have European parliamentary elections again, although, as the hon. Gentleman will know, my view is that we should implement the referendum result so that we will not be an EU member the next time they take place.

Illegal Seaborne Migration

4.16 pm

Mr Philip Hollobone (Kettering) (Con) (*Urgent Question*): To ask the Home Secretary if he will prevent illegal seaborne migration across the short straits of the English channel.

The Minister for Immigration (Caroline Nokes): The English channel is one of the busiest shipping lanes in the world. Every crossing attempted by migrants, often in unsuitable and very small boats, is life-threatening for those on board. These attempts not only represent a hazard to other vessels but threaten the safety of the Border Force, coastguard and lifeboat crews who come to their rescue. The Government are committed to preventing migrant crossings in small boats. My right hon. Friend the Home Secretary declared a major incident in December last year, and our heightened response remains in place.

In January, the Home Secretary met his counterpart Monsieur Castaner and agreed a joint action plan to tackle seaborne arrivals. He will be speaking to him again later this week. The joint action plan builds on the extensive work we have undertaken in partnership with France over the past few years, including under the 2018 Sandhurst treaty. It demonstrates the strength and depth of our bilateral relationship and both countries' enduring determination to secure our shared border and prevent illegal migration through France. Through measures such as increased surveillance and co-ordination of our joint response via the joint information centre, the plan enhances our robust border security.

The solution is not all about increased surveillance in the UK but also about preventing vessels from leaving France in the first place. We have recently delivered drones and other surveillance equipment to France, enabling its law enforcement officers to intercept and disrupt attempted crossings. We continue to look at a range of tactical options that work on both land and sea. Those attempting to cross should be aware that their efforts will be in vain. Since January, more than 30 people who arrived illegally in the UK in small boats have been returned to France and other member states under the Dublin regulation. We have many more in the pipeline for return.

Finally, we are tackling the organised crime gangs who are exploiting vulnerable and desperate individuals. Only yesterday, a French court sentenced two men to prison for helping migrants to make the treacherous journey across the channel. The summer months and settled weather will present us with further challenges, but we will continue to work co-operatively with France to secure our borders and seek to prevent further crossings from taking place.

Mr Hollobone: Mr Speaker, I thank you for granting this urgent question and the Minister for her response.

In December 2018, the Home Secretary declared a major incident and said that countering this illegal migration would be an operational priority for the Home Office. That was in response to 40 illegal migrants who were picked up on Christmas day crossing the short straits. The Home Secretary had to rush back from his Christmas holiday to try to deal with the crisis. Despite what the Minister says, the problem is getting

not better, but worse. At the end of May, 74 people—a record number—were intercepted on one day in a record number of boats. Some 140 migrants were picked up in the month of May, the highest number since December. I have no doubt that the Government say that this is an important issue and that they want to tackle it. In a Westminster Hall debate that I held on 30 January, the Minister responded that

“we have an absolute duty to protect the border and stop organised crime gangs exploiting vulnerable individuals who want to come here by sending them through the busiest shipping lane in the world. That is why we must stop this incredibly dangerous route becoming the new normal for those wanting to enter the UK illegally.”—[*Official Report*, 30 January 2019; Vol. 653, c. 424WH.]

The police have said that trying to cross the short straits is like trying to

“cross the M25 at rush-hour on foot”.

It is incredibly dangerous for the families and children involved. We must be able to defend our coastline from this illegal immigration.

We are spending some €50 million—we are giving that amount to the French Government—to try to stamp out this migration flow, but it is not working. In 2018, 543 illegal migrants attempted to cross to this country from France. There were 438 in the three months from October to December. Eighty per cent. of them are Iranian, and apart from Germany, we are the biggest recipient of asylum claims from Iran of any EU country. The way to solve the problem is not to throw money at the French, but simply to take these people back to France when they are intercepted at sea. That will stop them attempting the crossing in the first place. If they know that they cannot come here and that they will be taken back to French ports, it will put an end to the horrible trade of human trafficking, which is driving this illegal activity.

The Government have, I am afraid, introduced largely cosmetic measures to show that we are trying to tackle this problem. We have had the Royal Navy offshore patrol vessel, HMS Mersey, bobbing around in the channel while Border Force cutters were being returned from the Mediterranean. Not one asylum seeker was intercepted by the Royal Navy, despite the best efforts of all the sailors. I have huge praise for all the men and women in the Border Force, the Royal National Lifeboat Institution, the coastguard and the Royal Navy, who have been doing their best, but the way to solve the problem is for the Government to take a strategic decision that once these people are intercepted at sea they are returned to France. If they make it to our coast, they should be returned under the Dublin regulations. Returning 30 of these poor individuals is simply not enough when over 500 are coming here during any one-year period. Indeed, 35,000 people claim asylum each year and we have returned only 1,186 since 2015. Will the Minister assure the House that we will have not just warm words, but effective action and a change of policy to send these people back to France?

Caroline Nokes: I am sorry, Mr Speaker, but this might be a somewhat lengthy response. I reassure my hon. Friend that gold command still meets on a weekly basis and continues to do so, because we have always been conscious that the summer months may well bring better weather that would further incentivise people to make what is an incredibly risky journey.

[Caroline Nokes]

My hon. Friend talked about Dublin returns, but I am very conscious that in many cases, these people have fallen prey to organised crime gangs. Their journey through Europe is incredibly rapid. There is very little evidence of them being in any camps around the Calais area before they seek to make a crossing, and there is simply no hit on the Eurodac system to demonstrate that they have been in another EU country before they arrive here. Under those circumstances, one cannot use the Dublin regulation to return them because they have simply not been recorded in another EU member state. More returns are in the pipeline—there have been 30 so far. We continue to work with not just EU member states but countries of origin to make sure that we can make progress in returning people to their home country.

My hon. Friend said that surveillance equipment and resources provided to the French were not doing the job and were cosmetic, but far from it. We have provided significant surveillance equipment, including drones, night vision goggles and high-powered wharf lights, to enable the French to redouble their efforts on the beaches. It is important to reflect that the coastline is very long—120 km—and has many sandy beaches and small tracks that enable vehicular access.

The French disrupt about 40% of attempted crossings before they leave the beaches, which is absolutely where the disruption should be taking place; it should not be taking place in the middle of the channel, which is incredibly hazardous for the lifeboat crews, the Border Force cutters, the coastguard and the migrants themselves, who put themselves at incredible risk. We will continue to use our best endeavours to deny the crossings the opportunity to launch, because once they are mid-channel, it must be about preserving life. I do not want to see in the English channel repeats of the scenes in the Aegean, where people have lost their lives in significant numbers, so I make no apologies for making sure that the efforts in the channel are about rescue.

Ms Diane Abbott (Hackney North and Stoke Newington) (Lab): I query the framing of the urgent question, which talks about “illegal seaborne migration”. We cannot know whether these people are genuine refugees until we have had the opportunity to examine their cases. I am glad the Minister mentioned the risk to life in the busiest sea lane in the world. We all agree that it is tragic that these men and women are the victims of organised crime and people traffickers. I have visited Calais, and although many of these people do not come directly from there, the people one meets in and around Calais are hugely exploited and vulnerable, and Members should show a bit more concern for the risk to life and the vulnerability of these persons.

We need to be careful not to be unduly alarmist. We are not being invaded. There is no comparison to D-day, or whatever flights of imagination some of our media resort to. When the issue of asylum seekers crossing the channel last arose, back in February, the Home Secretary was roundly criticised for his comments. He questioned whether the people apprehended were genuine refugees, and he added:

“If you somehow do make it to the UK, we will do everything we can to make sure you are ultimately not successful because we need to break the link”.

That is not correct. It does not conform to international law. As I said, no one can possibly know whether every one of these cases is not a genuine claim for asylum. That decision must await the application itself and its examination. What the Home Secretary should have said is that we will do everything to uphold the law, and that means not making assumptions about the people crossing the channel but examining all applications impartially, granting asylum where it is justified and denying it where it is not. Each application must be judged on its individual merit, irrespective of how that person reached this country. That is the law. As I said, I query the framing of the urgent question. The Minister seemed to accept it. Does she accept that she cannot be sure—that no one in the Chamber can be sure—whether the people arriving here are doing so illegally until their cases have been examined?

On the wider issue of migration and asylum seekers, commentators and some Members appear to believe that more naval patrols can resolve the issue. That has been tried and has failed spectacularly and tragically. The mere existence of a naval patrol will not deter desperate people. According to the Missing Migrants Project, there have been 543 deaths in the Mediterranean this year alone. A maritime policing approach—let alone just turning back people who might be in British waters—does not work. It is a stain on our humanity and is shameful.

I am sure that the majority of Members understand that these deaths are terrible and unacceptable and that we should do everything we can to reduce their number. The Opposition support the right policies—the legal policies: policies that work, preserve our humanity and uphold human dignity, wherever people are from and however they came to this country. We have long supported the policy that works: the establishment of legal routes for asylum seekers and refugees. This is what all responsible stakeholders propose and meets our obligations under international law. We cannot assume that because of the way in which someone enters the country, that person is necessarily an illegal migrant. We should not dismiss the risk to the lives of people who, as I have said, are crossing one of the busiest sea channels in the world. We want to arrive at a sustainable solution that does not involve suspicion of people because of the way in which they cross the channel, and that means each case is dealt with on its merits.

This is a difficult situation, not least for the people who are so frightened, so desperate and so exploited that they seek to make the crossing in unseaworthy craft. However, we do not want to hear more reactionary grandstanding.

Caroline Nokes: I hope the right hon. Lady is content that she has not heard reactionary grandstanding from me this afternoon, and that I have sought to focus on the efforts that are being made to save the lives of—she used this term herself—exceptionally vulnerable people, who are vulnerable before they take to the water in small and unsuitable craft, and much more vulnerable once they are in the midst of a very busy shipping lane. I hope I can reassure her that members of this cohort are treated no differently from others on receipt of their asylum claims. We study them in relation to our convention obligations under the human rights charter and, of course, EU regulations and directives.

When we have ascertained that Eurodac hits show that people have previously claimed asylum in another country, we will, of course, seek to return them under the Dublin regulation. As I have said, there have been 30 such cases so far, and there are many more in the pipeline. But the important point, which the right hon. Lady also emphasised, is that these are people in a vulnerable position, and it is absolutely our duty under maritime law to ensure that they are safe at sea.

Charlie Elphicke (Dover) (Con): My constituents on the Dover frontline are seeing what was a crisis at Christmas turn into a surge through the summer. We cannot have a summer of chaos on the English channel. May I call on the Minister, and all Home Office Ministers, not simply to pick up the phone to the French and Mr Castaner, but to have a meeting with their counterparts in France and enter into a new compact that will establish the measures we need to ensure the security of the border on both sides of the English channel, and to bring this crisis to an end?

Caroline Nokes: My hon. Friend will be aware that the Home Secretary met Mr Castaner earlier this year. Indeed, I accompanied him back to Calais to visit the joint co-ordination centre. There are ongoing weekly meetings between Border Force officials and the police aux frontières, and with the regional préfet and sous-préfet, to discuss precisely this issue. However, as my hon. Friend has pointed out, it is about the border on both sides of the channel. It is much more effective to prevent a small craft from leaving the beach and thereby not risking life and limb than to seek to turn anything around in mid-channel. It is crucial for us to understand the implications of rescue operations in the middle of the channel. There are often children in those boats, and tactics are often deployed to ensure that the migrants are vulnerable. How despicable is it that they are being exploited by organised crime gangs who deliberately put children in those boats? It is far safer and much more desirable for us to prevent the launch of those boats than to take action at sea.

Joanna Cherry (Edinburgh South West) (SNP): It has been good to hear the Minister acknowledge the vulnerability of many of the people who are making this dangerous crossing, and separate the victims of the traffickers from the traffickers themselves. Many of the people who make the dangerous journey across the channel have survived war, conflict and persecution in countries such as Syria, Iran, Afghanistan and Eritrea, so we are dealing with vulnerable adults as well as vulnerable children.

However, it is also important to acknowledge that the number of people trying to reach the United Kingdom by boat is lower than the numbers in 2015 and 2016. To describe this as a crisis, or a major incident, risks creating the perception that the UK is overflowing with people claiming asylum, when the figures show that in the year ending September 2018, Germany, Italy and France all received twice as many asylum applications as the UK.

I echo the shadow Home Secretary's comments: asylum and claiming asylum is a right, and asylum claims should not be prejudged. The 1951 refugee convention states that neither how people arrive in the country in which they claim asylum nor how many safe countries

they have passed through should affect the outcome of their claim, so I look to the Minister for assurance that everyone who arrives, even by these reprehensible methods, is given the proper opportunity to claim asylum if that is appropriate and that due process has been followed.

The best way to address the risk of people making these dangerous journeys is to expand safe and legal routes such as family reunion and to bolster existing resettlement programmes. The resettlement programme introduced after the Syrian refugee crisis saved thousands of lives. I commend the UK Government for that, but we need to see it continue. Will the Minister commit to expanding the programme after 2020?

Caroline Nokes: The hon. and learned Lady is right to point out that many of these people are the victims of organised crime gangs, but I would like to expand on one point, because they are not simply fleeing war. In many cases they are, as we know from the figures, Iranian nationals, who may have paid many thousands of pounds to make that journey and have done so putting themselves, and in some cases their families, at risk of falling prey to the very reprehensible tactics, as the hon. and learned Lady described them, of the organised crime gangs who make them vulnerable by choosing this route.

The hon. and learned Lady is right to point out that the figures are lower than at the height of the migrant crisis in 2015, but that does not mean I am complacent in any way, because we do not wish to see the numbers go back to those levels. It is imperative that we seek to ensure our action with the French prevents people from making these perilous journeys.

I reassure the hon. and learned Lady that due process is followed in every case, but, as she will have heard me say, in those cases where there is a previous asylum claim in another EU member state we will seek to return people to those countries.

On the vulnerable persons resettlement scheme, the hon. and learned Lady will know that we are on course to meet the 20,000 commitment by the end of 2020 and indeed have so far resettled over 15,000 individuals from the MENA—middle east and north Africa—region.

The hon. and learned Lady speaks about an issue that is a particular passion of mine, and having put in place the processes and structures that have enabled us to take part in the VPRS, working with local authorities and NGOs and various other agencies, I believe it is important that we maintain that commitment. It is wrong in my view to be a world leader in resettlement and to seek to pull back from that, but I am afraid the hon. and learned Lady will have to wait for an announcement, which I am sure will not be too distant.

Damian Green (Ashford) (Con): The safety and security of the Kent coast is of tremendous concern to my constituents as well as those of my hon. Friend the Member for Dover (Charlie Elphicke). The Minister is absolutely right: co-operation with the French authorities, which has been carrying on for years, is the key to minimising the terrible trade. Will she reassure me and my constituents that the British Government's efforts to fight the organised crime gangs that facilitate this terrible trade are being ever-increased, because that is the most effective thing the British Government can do to minimise this dangerous traffic?

Caroline Nokes: I thank my right hon. Friend for that question, and I have indeed noticed that there is much interest from Kent MPs this afternoon. He is absolutely right to talk about the levels of investigation and shared intelligence with the French. To date, 14 French investigations have been instigated directly in response to National Crime Agency intelligence, and we have sought to enhance existing French intelligence.

Between them, Immigration Enforcement and the NCA have made 24 arrests in relation to the small boats threat, and there are ongoing inquiries into five persons of interest from the incidents on Saturday. As I mentioned earlier, there was one conviction and imprisonment yesterday in France and we absolutely must make sure we keep up our intelligence-sharing and criminal investigations to see off these crime gangs at the outset.

Yvette Cooper (Normanton, Pontefract and Castleford) (Lab): I welcome what I think the Minister was saying about wanting to continue the resettlement programmes. The Home Office is right to want to prevent dangerous journeys across the channel, where lives can be at risk. The Home Office made a big announcement about the deployment of HMS Mersey and HMS Enterprise to the channel, but can the Minister confirm that neither of those vessels was involved in leading any interceptions while they were deployed? Is it correct that the deployment cost the Home Office nearly £1 million? Does she agree that it is important that these measures should be evidence-based and not simply about being able to make big announcements?

Caroline Nokes: The right hon. Lady is absolutely right to say that we should not seek just to make big announcements, which is why I am not making a big announcement on resettlement today, although I could have been tempted to do so by the previous question. I have always made my position clear, and I have worked closely with non-governmental organisations and Ministers across Government on resettlement. I am conscious that we should be proud of the vulnerable persons resettlement scheme, on which we have done, and continue to do, some fantastic work. It is important that we keep our commitment to resettling the most vulnerable individuals from very difficult parts of the world.

On the deployment in the channel, it is a matter of record that we had to bring cutters back from the Aegean. It was important to have a presence in the channel during the intervening period offering coverage in case there was an horrendous incident in which lives were in peril. It was better to have capacity in the shape of a Royal Navy ship than to have nothing. The Home Secretary made it clear that we should make the preservation of life and limb our priority and have the resources in place to rescue people if needed. We should be incredibly thankful that there was no such requirement while the Royal Navy was there in the channel.

Several hon. Members *rose*—

Mr Speaker: I call Tracey Crouch, who is sporting her Spurs lanyard.

Tracey Crouch (Chatham and Aylesford) (Con): It is very good of you to notice that, Mr Speaker. I look forward to watching Tottenham on Wednesday nights next season, whereas you, Sir, will have to watch Arsenal on Thursday nights because, as the chant goes, you're not very good.

I know that my right hon. Friend the Minister is aware of the involvement of the Kent lifeboats, especially the Dover lifeboat, in responding to illegal migration crossings. The crews are mainly made up of volunteers and have been called out on many occasions. Our lifeboats are funded almost exclusively by donations, so these crossings will have impacted on vital funding within the charity. Will she consider requesting extra funding from the Treasury to compensate the Royal National Lifeboat Institution for this particular aspect of its important work of saving lives at sea?

Caroline Nokes: As my hon. Friend knows, I had a really informative visit to the Dover lifeboat over the Christmas period, and it was absolutely at the forefront of understanding the channel, the risks and the crossing patterns that were emerging at the time. I was very impressed by the commitment shown by the brave men and women who crew the Dover lifeboat. She makes a valid point, and I would be absolutely delighted to put that request to the Chancellor, although of course I cannot make any commitments. It is important that we not only thank our lifeboat crews, and I would be happy to make that request to the Chancellor.

Kate Green (Stretford and Urmston) (Lab): Can the Minister categorically confirm that no one who could make a claim for asylum is being sent back to France under the so-called gentleman's agreement that allows for migrants to be returned within a 24-hour period?

Caroline Nokes: I reassure the hon. Lady that this cohort is being treated no differently from any other.

Several hon. Members *rose*—

Mr Speaker: I cannot be expected to call two Tottenham fans in a row, so I call Huw Merriman.

Huw Merriman (Bexhill and Battle) (Con): It is always better to go for the Arsenal fan on that basis, Mr Speaker.

It is very much with the vulnerable people in mind that I ask this question of the Minister. Will she ensure that she continues to apply the full force of the law? If we send out the wrong signal to people that they can make this perilous journey, I am afraid that more and more of them will lose their lives and be taken advantage of by despicable people. I say that because I represent an East Sussex English channel constituency, and I am afraid that we will be left to deal with the aftermath.

Caroline Nokes: I thank my hon. Friend for that question. As I mentioned earlier, Immigration Enforcement and the National Crime Agency have made a total of 24 arrests in relation to the small boats threat. It is imperative that we continue to keep up the pressure on organised crime gangs, but he is right to point out that the individuals who make the perilous crossings are, in many cases, both vulnerable and the victims of those gangs. It is important to treat them properly and to ensure that they are safe, but this has to be about disrupting organised crime, because that is where the real threat lies.

Thangam Debbonaire (Bristol West) (Lab): I am grateful to the Minister for her emphasis on safety and preventing harm and loss of life and to hear that an announcement

is imminent about the expansion, or something, of resettlement. However, returning to the question from my hon. Friend the Member for Stretford and Urmston (Kate Green), although the Minister said that people are being treated exactly the same, that is not quite the full answer that I and, I think, my hon. Friend were hoping for, so I will give her one more chance: is she absolutely sure that everyone who was entitled to apply for asylum was offered that chance?

Caroline Nokes: We will seek to return those who have registered on Eurodac because they have previously claimed asylum in a safe country. However, it is my understanding that everybody else who seeks to make an asylum claim will be treated absolutely the same as anyone else who applies for asylum in the UK. I am unaware of anybody who wanted to make a claim being prevented from doing so and returned, but it is right that if someone has previously made an asylum claim in a safe country we will seek to return them.

Sir Mike Penning (Hemel Hempstead) (Con): As the Minister responsible for deploying the Royal Navy off the Libyan coast during Operation Sophia, I am surprised that the crews of HMS Enterprise and HMS Mersey were not able to pick up these people. They may not have been drowning, but the crews have great expertise in dealing with such situations from previous operations. Were they instructed not to intercept unless there was a crisis? What operational orders were given to the Royal Navy?

Caroline Nokes: While Royal Navy vessels were in the channel, it is important to state that Border Force's coastal patrol vessels and our cutters were also deployed. Although I cannot comment on the operational instructions given to Royal Navy vessels, we should be grateful that there was no loss of life or limb and that they were not needed to rescue people. Several coastal patrol vessels were in the vicinity while the Royal Navy vessels were there, and several are there now.

Lloyd Russell-Moyle (Brighton, Kemptown) (Lab/Co-op): Does the Minister agree that the development of a hostile environment in Britain pushes people towards criminals, meaning that they cannot get access to services here? The same is true across the channel in France. If we do not provide people with legal means of coming here through managed migration, that pushes them towards criminals. We need to open up better routes for people, so that they are not forced into the hands of criminals.

Caroline Nokes: Perhaps the hon. Gentleman missed me talking about the vulnerable persons resettlement scheme, which has so far resettled in excess of 15,000 people from the middle east and north Africa region. However, he is right to point out that managed routes such as that are far better than making perilous journeys across the channel.

Sir Desmond Swayne (New Forest West) (Con): Why has the number of criminal deportations collapsed?

Caroline Nokes: My right hon. Friend will know that we always seek to deport foreign national offenders when possible. Our emphasis continues to be on returns and on ensuring that those who have served criminal sentences in the UK are deported when possible. That is

not always the case, so this is about having returns agreements with other countries and ensuring that travel documents are available. However, it is our ambition, under the UK Borders Act 2007, to ensure that foreign national offenders are deported to their country of origin upon the completion of their sentence.

Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): I certainly give a provisional welcome to what the Minister said about the possibility of extending the vulnerable persons resettlement scheme, but we will wait to see exactly what is proposed. This is about safe, legal routes, so that people do not have to resort to smugglers if they are coming to the UK for legitimate reasons. Why are so many children having to wait many months in Calais to be transferred under the Dublin III scheme? Why is the Dubs scheme being wound down despite the fact that local authorities are saying that many places are still available for such vulnerable children?

Caroline Nokes: I reassure the hon. Gentleman that the Dubs scheme is not being wound down and that transfers continue. He will be aware that we have removed the date criteria, and we continue to work with the United Nations High Commissioner for Refugees on the best interest test to make sure that we can fulfil our commitment under the Dubs scheme.

The hon. Gentleman might also be aware that, at the end of May—I apologise for not having the precise date—we increased unaccompanied asylum-seeking children funding to £114 per child per night. We have worked tirelessly with the Local Government Association to encourage those who are not taking part in the national transfer scheme to do so, so that we can continue to make progress and fulfil our Dubs commitment.

Sir Edward Davey (Kingston and Surbiton) (LD): It is good to hear the Minister accept that the best way to prevent refugees from taking these dangerous crossings is to provide safe, legal routes to sanctuary for those fleeing persecution. Going back to the Dubs amendment, the Government promised two years ago to provide a scheme for 480 unaccompanied refugee children. When will that promise be delivered?

Caroline Nokes: The right hon. Gentleman will be aware that, at the beginning of last year, we changed the qualifying date for Dubs children in an endeavour to make sure that we could meet the 480 commitment. We have now removed the qualifying date altogether so that any child who qualifies and meets the UNHCR best interest test can be transferred under the Dubs agreement.

The right hon. Gentleman will have just heard me say that we have increased funding to local authorities, and I continue to encourage individual Members to contact their local authorities to encourage them to work under the NTS to take additional unaccompanied asylum-seeking children.

We have 4,500 unaccompanied asylum-seeking children in this country, and it is important that we continue to work with our colleagues both in local government and in the wider community to make sure that we meet that commitment. I urge the right hon. Gentleman to talk to his local council to see whether it can add to the UAS children it already takes.

National Minimum Wage Naming Scheme

4.51 pm

Stephanie Peacock (Barnsley East) (Lab) (*Urgent Question*): To ask the Secretary of State for Business, Energy and Industrial Strategy to make a statement on the suspension of the national minimum wage naming scheme.

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Kelly Tolhurst): Enforcement of the national minimum wage and the national living wage is a priority for the Government, and we take tough action against the minority of employers who underpay. Last year, employers were ordered to repay over 220,000 UK workers a record £24.4 million of arrears. We have more than doubled the budget for minimum wage compliance and enforcement since 2015, and it is now at a record high of £27.4 million.

As part of our enforcement approach, we name employers who have breached the legislation, which raises awareness of national minimum wage enforcement and deters others who may be tempted to break the law. To date, the Government have named almost 2,000 employers who have underpaid the national minimum wage. The Government are reviewing the naming scheme to ensure that it continues effectively to support minimum wage compliance. This is in response to a recommendation made by the director of labour market enforcement, Professor Sir David Metcalf, last year.

In December 2018 we accepted both of the director's recommendations relating to the naming scheme, specifically to review the scheme's effectiveness and to consider how to provide further information under the scheme in future. The Government have sought to learn from other naming schemes and other regulatory approaches. We have also discussed the evidence with the director of labour market enforcement and have conducted further analysis to understand the impact that any changes to the scheme would have on the number of employers named.

Naming and shaming remains an important part of our enforcement toolkit, and the review will be concluded in the coming weeks. Any changes to the scheme will be communicated through the national minimum wage enforcement policy documents.

Stephanie Peacock: Thank you, Mr Speaker, for granting this urgent question, which finally forces a Minister to admit to the House that the Government have quietly dropped one of the few policies they had to protect vulnerable workers. The naming scheme had exposed nearly 2,000 employers who illegally underpaid nearly 100,000 workers by millions of pounds, including household names from TGI Fridays to Marriott hotels, but the last such list was almost a year ago.

As we now know, the Government have privately decided to suspend the scheme, despite the Department's official guidelines maintaining that the scheme still operates. The Minister claims this was based on a recommendation of the director of labour market enforcement, made over a year ago, yet the director made no such recommendation to suspend the scheme; he simply called for an evaluation and specific improvements. The Government accepted those recommendations, so why have they not simply

implemented them and continued with the scheme in the meantime? Can the Minister confirm that as this review has "no set completion date", this policy has been effectively halted? Can she tell us what progress the review has made in the last year? What evidence has it taken, what research has been commissioned, what work has her Department done, and what proposals will come to the House and when? Or is the so-called review in reality just an excuse to let bad employers off the hook?

This is the latest in a long list of policies that would help working people, from fair tips to equality for agency workers, that have been delayed or dropped by the Government. Time and again, they crack down on the vulnerable and back down before the powerful. When will this capitulation to rogue employers over working people finally end?

Kelly Tolhurst: I have to say that the hon. Lady is incorrect: the scheme has not been dropped. Given the impact that being named can have on a business, it is right that we properly consider the effectiveness of the naming scheme. We want to make sure that our enforcement approach balances the need to crack down on the most terrible employers, who purposely and persistently break the law, with the need to be fair to and educate employers who try to do the right thing.

We are in no way going soft on employers. Last year, we issued record financial penalties to more than 1,000 non-compliant employers to the value of £17 million. That was part of our commitment to support workers' rights. Our good work plan sets out a vision for the future of the UK labour market and includes an ambitious programme of work to implement 51 of the 53 recommendations Matthew Taylor made in his review of modern working practice.

I must point out, however, that it was this Government who gave the lowest paid workers the biggest increase in the national living wage in 20 years.

Vicky Ford (Chelmsford) (Con): I was reading the report from the Resolution Foundation, an independent organisation, and it says that the proportion of low-paid workers in Britain has dropped to its lowest level since the 1980s, thanks to the national living wage. Why on earth would we not name and shame employers if they were not complying with such an important part of the Government's policy?

Kelly Tolhurst: I thank my hon. Friend for outlining that piece of work. It is right that naming and shaming rogue employers is a key part of our enforcement. We have doubled the budget since 2015 for enforcement of the national minimum wage, and one of the key things that I am particularly interested in is making sure that we go after those individual employers or big organisations that are deliberately trying not to pay workers the minimum wage.

Rebecca Long Bailey (Salford and Eccles) (Lab): I thank my hon. Friend the Member for Barnsley East (Stephanie Peacock) for securing this important urgent question. One of the proudest achievements of the last Labour Government was the introduction of the national minimum wage, safeguarding workers from exploitative pay practices. Sadly, from the Trade Union Act 2016 to their failure to address exploitation through zero-hours

contracts or bogus self-employment, this Conservative Government cannot be proud of their record on workers' rights. The admission today that the naming and shaming scheme has been effectively shelved only adds to that woeful record.

The national minimum wage is effective only if it is adequately enforced. The Government have stated that the naming and shaming element of minimum wage enforcement is vital, alongside other measures such as fines. Has the Minister made any assessment of the impact of the scheme's suspension on minimum wage avoidance in the last year? Has the Department continued to identify those employers underpaying during that period, and what action has been taken?

The Minister will also be aware that the director of labour market enforcement also criticised the Government not so long ago in respect of their utilisation of the enforcement mechanisms available to them. The director also asked about additional resource, so it would be helpful if the Minister could identify what funding has been made available to enhance enforcement capacity at Her Majesty's Revenue and Customs.

Not only is enforcement of the minimum wage important, but the level at which it is set is crucial. I know the Chancellor of the Exchequer thinks that poverty is a figment of our imagination, but the fact is that in 2017 more than 1.5 million people had less than £10 a day to live on, according to the Joseph Rowntree Foundation. Labour is committed to ending the scourge of low pay. We will introduce a real living wage of £10 an hour and end the unfairness of lower rates for those under 18. Will the Minister take this opportunity to improve her Government's record on poverty and workers' rights and commit to doing the same?

Kelly Tolhurst: The hon. Lady says that the Government have nothing to be proud of, but I am absolutely proud to serve in a Government who have put so much focus on enforcing the national minimum wage. As I have already mentioned, this year we increased the national minimum wage by the biggest amount in 20 years, up 4.9%.

It is simply not true to say that we have shelved the naming and shaming scheme. It is absolutely right for me, as the Minister responsible, to evaluate the scheme and make sure that any naming and shaming scheme is meaningful, adds value, acts as a tool to aid employers to make sure that they are able to comply with the national minimum wage legislation, and enables us effectively to communicate exactly what the breaches are and why, and the detriment to the individual worker. We remain absolutely determined to stamp out low pay.

We currently have larger numbers of people in work than ever before, and it is absolutely right that those individuals should get the hourly rates to which they are entitled. As I said in my opening remarks, we doubled the enforcement budget to £27.4 million in 2019-20. That was up from £13.2 million in 2015-16. We are committed to continuing that enforcement. I will not make excuses for reviewing the naming and shaming scheme, because we want to add value and make it more effective, and we want to make sure that we aid employers, help workers to understand their rights and offer routes to recourse.

Rachel Maclean (Redditch) (Con): I entirely agree with the Minister: I, too, am proud of the record that has meant £2,750 more has been put into the pockets of

my Redditch constituents since the introduction of the living wage. Will the Minister update us on the progress towards having a single organisation that looks after workers' rights, which will be valuable in the seeking of redress?

Kelly Tolhurst: I thank my hon. Friend for raising that point. She is absolutely correct that in our good work plan we announced our intention to consult on a single labour market enforcement body. Our good work plan was a major step forward for the Government. I should point out to Opposition Members that the good work plan is the biggest reformation of workers' rights for 20 years. It is this Government who are doing it and I am proud to be part of it.

Drew Hendry (Inverness, Nairn, Badenoch and Strathspey) (SNP): The Government's wage policy simply is not delivering for those who need it. Under the Tories, FTSE 100 chief executive pay has gone up by two thirds; when will the Minister finally deliver for those who are not rich and match the Scottish living wage? Incidentally, the Scottish living wage is now paid by 1,300 employers in Scotland—more than a quarter of all the living wage employers in the UK. Outside London, that means a wage of £9.55 an hour paid to all workers, including those aged under 25 whom the Tories have left behind. If the Minister cannot commit to that, she should devolve powers so that the SNP Scottish Government can. Given that nearly 370,000 workers on national minimum wage contracts are being underpaid, will she commit to implementing in full the recommendations in the Low Pay Commission's report on non-compliance and enforcement, including on naming rounds for those who do not comply?

Kelly Tolhurst: First, let me point out to the hon. Gentleman that we are not dropping the naming and shaming scheme. He was right to mention corporate governance and the issues around executive pay, which this Government take seriously and we are taking steps to address. He will know that the Low Pay Commission recommends national minimum wage levels to the Government. He mentioned the under-25s, but let me point out to him that almost nine in every 10 18 to 24-year-olds are paid above their wage bracket.

Huw Merriman (Bexhill and Battle) (Con): My constituency is one of the top 10 constituencies with the highest proportion of workers on the national living wage, so I welcome the fact that we have increased that wage by another £600 thanks to our excellent Chancellor and his Budget. I know that the Minister has come here to help the lowest paid make something of themselves, but may I say to her that it is essential that we make sure that employers do not get away with non-compliance, because it is unfair to other employers and to the employees who will not be protected. She is right to review the scheme, and she is taking great steps, but I urge her to keep the name and shame policy because there is no better way of shaming people into compliance.

Kelly Tolhurst: I thank my hon. Friend for his comments. Her Majesty's Revenue and Customs will investigate any complaint that it receives about underpayment of the national minimum wage. We also have ACAS, which provides a helpline for individuals who feel that they are not being paid the national minimum wage. Naming and shaming is part of our toolkit of enforcement, but,

[*Kelly Tolhurst*]

as I have said, it is only one tool. I want to make sure that when we name and shame organisations, we understand what the detriment is and how much the detriment is. We need to make sure that, when we report these companies, we are reporting not just big names to grab a headline, but meaningful information that helps to advise and educate employers and, really importantly, educates workers so that they understand that, where there is a detriment, they can take action.

Paula Sherriff (Dewsbury) (Lab): With record numbers of people struggling with in-work poverty, this Government should be doing everything they can to reverse this shameful record. Instead, they are removing schemes that expose exploitative employers. Will the Minister think again and not only reinstate the national minimum wage naming scheme, but use the scheme to enforce the law? Will she also provide a date by which she intends to complete the review?

Kelly Tolhurst: The hon. Lady knows that I have a great deal of respect for her, but she has not listened to what I have said. We have not dropped the naming and shaming scheme. I want a scheme that is valuable and meaningful, that aids compliance and enables workers to get their entitlement, and that makes sure that employers follow the law. I want to focus on enforcement, absolutely making sure that we penalise and reprimand any employer that is underpaying workers who are entitled to the minimum wage. Since the start of the scheme, we have seen 12 prosecutions. Last year alone, there were seven labour market enforcement undertakings and orders where the national minimum wage had been breached. I am committed to this scheme; this Government are committed to this scheme. We have a record number of people in work, and, this year, this Government have overseen the largest increase in the national minimum wage.

Mr Philip Hollobone (Kettering) (Con): Can the Minister confirm that it remains Government policy to increase the national living wage to 60% of median earnings by 2020? If that does remain the case, will that not mean an extra pay rise for millions of workers?

Kelly Tolhurst: My hon. Friend is absolutely correct. We remain on target to reach our ambition of 60% of median earnings by 2020. That is something that this Government are looking forward to achieving. We are not stopping there. We are looking forward to seeing where we can continue to increase the wages for our lowest paid workers past 2020.

Jo Swinson (East Dunbartonshire) (LD): Naming and shaming employers who fail to pay even the basic minimum is one of the strongest ways that society can send a message that such behaviour is unacceptable. The Minister talks about the impact on employers of being named, but I am more concerned about the impact on workers who are underpaid—some of the most vulnerable people in our society. Whether it is deliberate or otherwise, they feel that impact. I recall the opposition that I had to face from the Minister's Conservative colleagues when I was in her role and introduced this scheme. Will she give the House an assurance today that the review will include no watering down of the scheme to let employers off the hook, and will she name the date when the next round of naming will happen?

Kelly Tolhurst: Given the hon. Lady's previous role, I know that she understands well the portfolio, and the naming and shaming system. I reiterate that we have not dropped the naming and shaming scheme. I have tried to be extremely clear that I want the naming and shaming scheme to be meaningful, add value and give us proper information so that we can understand where there is detriment to workers and why. We will still name individuals, but I want employers to comply with the law and workers to get what they are owed. That is not just about naming and shaming; it is also about ensuring that the information that we publish aids education and helps to stop any detriment to employees. Not all employers are wilfully paying under the national minimum wage, and we have a duty to educate businesses so that they are easily able to comply with the law.

Sir Desmond Swayne (New Forest West) (Con): Why was it necessary for the Minister to suspend the scheme while she reviewed it to make it more meaningful and useful?

Kelly Tolhurst: I decided to do that because I wanted to ensure that I was naming and shaming with meaningful information. I will not make excuses for making sure that we are delivering and reviewing a policy, or for carrying out what the director of labour market enforcement asked us to do.

Diana Johnson (Kingston upon Hull North) (Lab): So can the Minister confirm that those sleazebag employers who rip off the lowest paid in our country are actually going to be named and shamed for the last 12 months?

Kelly Tolhurst: Yes.

Alex Chalk (Cheltenham) (Con): Naming and shaming is one tool, but does the Minister agree that one of the most powerful tools to increase incomes is to reduce the amount of tax paid by people on low pay? Like me, does she take pride in the fact that instead of people having to pay tax on earnings of above around £6,000, as was the case in 2010, the figure is now closer to £12,000—adding hundreds of pounds to people's incomes?

Kelly Tolhurst: Absolutely, and this Government have made great ground in that regard. This is not about grabbing headlines. It is about ensuring that workers get the pay to which they are entitled, which is why we have doubled the enforcement budget and are collecting more arrears than ever before. There were more than 3,000 successful investigations by Her Majesty's Revenue and Customs in the last year alone. I want that budget to be spent effectively on catching more employers who are underpaying the minimum wage.

Alison Thewliss (Glasgow Central) (SNP): It is all well and fine for the Minister to say that some under-25s are paid more than they are legally entitled to receive, but that gives no reassurance to those who are not. May I suggest that she adds to her naming and shaming scheme employers who employ young people on short-term, temporary contracts and then dismiss them when they cost more money?

Kelly Tolhurst: The hon. Lady raises an issue regarding the incorrect practice of employers. As I have said, HMRC will investigate every complaint and ACAS is available to receive those complaints. We have asked the

Low Pay Commission to undertake a review of the structure of the national minimum wage, and it will report back later in the year. We encourage employers always to pay above the minimum wage brackets if they are able to do so.

Jo Stevens (Cardiff Central) (Lab): The Minister has said on a number of occasions that the Government are taking tough enforcement action against employers who fail to pay the minimum wage, but between 2010 and 2018 in Wales there has not been a single successful prosecution resulting in a fine against employers for underpaying. This is not tough enforcement; it is impunity.

Kelly Tolhurst: The hon. Lady raises prosecutions as the only way of action or enforcement, but that is not true. I have said that since 1999 over £118 million has been paid back—to over 200,000 workers in 2019, so in just one year. It is true that there have been only 14 prosecutions. However, organisations are required to pay back the arrears, and pay a penalty, wherever a breach is found. I would like to highlight the fact that the Government have recently been consulting on salary sacrifice schemes. There have been examples in the media of workers being found to have a detriment through salary sacrifice schemes. This has been a key area in employers being caught under the national minimum wage legislation.

Catherine West (Hornsey and Wood Green) (Lab): What assessment has the Minister made of the pay discrepancy among cleaners in Whitehall? The Department for International Development pays the London living wage but the Ministry of Justice, which should be seeking justice, pays the national minimum wage. What does she intend to do about it?

Kelly Tolhurst: I thank the hon. Lady for raising that point about the differences between Departments. I do not personally have the details of that and I have not looked into it, but I will happily do so, and I am more than happy to write to her with a fuller answer.

Stewart Malcolm McDonald (Glasgow South) (SNP): Last time I spoke to the Minister about the use of unpaid work trials and the minimum wage, there had not been a single tribunal case anywhere in the UK in this regard that had been successful. Since that time, there has, but it was in Jersey, where a Polish woman took on

her employer and won back the £30 that the tribunal said she was entitled to for the trial. What impact will that have on UK employment law? In the 20-odd years of the National Minimum Wage Act 1998 we have only just this year had one successful tribunal. Does that not tell her that the law is deficient and needs amending, and that unpaid work trials should be outlawed in their entirety?

Kelly Tolhurst: The hon. Gentleman is a keen campaigner in the area of unpaid work trials. As I have said on many occasions, in most cases, unpaid work trials, if they are not a small trial that is conducive to the work environment, are illegal. On the back of his campaign and work that had been done before, we issued new guidance in December 2018. As I have said, where a worker feels that they have had a detriment, they are to report it to HMRC or ACAS. HMRC will investigate every complaint. We cannot just judge this issue on prosecutions. We need to judge it on where the detriment to the worker is, and then ensure that they get what is owed to them and that the employer is penalised.

Jim Shannon (Strangford) (DUP): I thank the Minister for the response that she has given. What discussion has taken place with the Chancellor with regard to help for small businesses who struggle to make the payroll, and have a presence on the high street, in order to provide tax relief or other help so that the local economy is helped and that small businesses can survive and pay a correct and fair wage?

Kelly Tolhurst: I thank the hon. Gentleman for raising the issue of small businesses. It is absolutely true that small businesses are the backbone of our economy—99.6% of all UK businesses are small businesses, and is absolutely right that we are able to help them. A key part of that is making sure that, as the small business Minister, I make representations to the Chancellor and across Government on what small businesses need. The work that is being done on the review of naming and shaming is to make sure that when small employers find themselves in breach of the national minimum wage legislation, we are able to give them the right guidance and advice to enable them to meet their obligations. Many small employers want to make sure that they pay the national minimum wage, and above the national minimum wage. It is our duty not only to penalise but to aid and enable small businesses to meet their obligations.

Post-18 Education and Funding

5.19 pm

The Secretary of State for Education (Damian Hinds):

With permission, Mr Speaker, I would like to make a statement on the Government's review of post-18 education and its funding—the first review since the Robbins report in 1963 to look at the totality of post-18 education. The Government will carefully consider the independent panel's recommendations before finalising our approach at the spending review.

I would like to take this opportunity to thank the independent panel, led by Philip Augar, for their exceptional work. Alongside Dr Augar were Professor Sir Ivor Crewe, Jacqueline de Rojas CBE, Professor Edward Peck, Beverley Robinson OBE and Professor the Baroness Alison Wolf. The panel consulted a wide spectrum of experts, leaders and senior figures and received almost 400 responses to its call for evidence. I would like to thank all the stakeholders, including colleagues from across the House, who contributed to the review. We will continue to engage with stakeholders now that the independent panel phase is complete, as we work towards the completion of the review.

A lot of the attention will be on what this report says about higher education, but the majority of students in post-18 education are not at university. The report identifies the importance of both further and higher education in creating a system that unlocks everyone's talents. As the Prime Minister said last week, further education and technical colleges are not just places of learning; they are vital engines of both social mobility and economic prosperity. Colleges play an essential part in delivering the modern industrial strategy and equipping young people with knowledge and skills for the jobs of today and tomorrow. We are conscious of the need for reskilling and upskilling at a time when we are all more likely to have multiple careers during our working lives.

We are already carrying out a major upgrade to technical and vocational education by introducing T-levels for young people and developing proposals to introduce employer-focused higher technical qualifications, at levels 4 and 5, which will provide high-quality technical qualifications to rival traditional academic options. We have also overhauled apprenticeships, to provide people with the skills and career paths they need for great jobs and great careers. But appropriate attention to our college sector—the backbone of technical education in this country—is required to ensure that technical education is an equally valid path for a young person as a degree route. The principles set out in this report will help lay the foundation for a sector that is stronger and more robust and will help cement its reputation as being among the best in the world.

Our higher education system transforms lives and is a great contributor to both our industrial success and the cultural life of the nation. It can open up a whole world of opportunities and broaden horizons. Whatever decisions we make about how best to take forward the recommendations in the report, it is vital that we support these institutions to continue to offer world-leading higher education to students in future.

The opportunity to study at university should be open to anyone with the talent and potential to benefit from the experience. Gaining a university degree has

benefits for both individuals and society—or, in the jargon, both a private return and a social return. On average, doing a degree has strong earning returns, equating to more than £100,000 of extra lifetime earnings per graduate after tax, so we believe it is right that contributions to the cost of higher education need to be shared between the student and the taxpayer.

The scale of the Government subsidy today is in fact much larger than most people imagine—close to half of the total—and it is a progressive system, whereby those on the highest income contribute the most and those on incomes lower than £25,725 make no contribution. We believe it is essential that we provide the right support, to enable people from all backgrounds to access and, most importantly, succeed at university and other higher-level courses.

In 2018, we had record rates of 18-year-olds accepted to full-time university, up 0.4 percentage points to 33.7%. Students from the lowest-income households have access to the largest ever amount of cash support for their living costs. Already this year, we have increased living costs support for the 2019-20 academic year to a record amount.

However, although 18-year-olds from disadvantaged backgrounds are now 52% more likely to go to university than 10 years ago, there is more progress that we need to make. Disadvantaged students are still less likely than their more advantaged peers to attend the most selective universities, or to have the support they need to successfully complete their degree and to achieve a 2:1 or a first. The panel's proposals on support for disadvantaged groups are an important contribution to the debate in this area.

I very much welcome the focus that the panel has placed on making sure that all higher education is of high quality and delivers well for both students and the taxpayer. There are very high-quality courses across the full range of subjects—from creative arts to medicine—but there are also courses where students are less well served. I have also spoken in recent months of bad practices not in the student interest, such as artificial grade inflation and so-called conditional unconditional offers.

The panel's recommendations on student finance are detailed and interrelated, and cannot be considered each in isolation. We will need to look carefully at each recommendation in turn and in the round to reach a view on what will best support students and the institutions they study at, and what will ensure value for taxpayers. In considering these recommendations, we will also have regard to students currently in the system or about to enter it to ensure that any changes are fair to current and new cohorts of students.

I am sure the House will recognise that this comprehensive report, with detailed analysis and no fewer than 53 recommendations, gives the Government a lot to consider. We will continue to engage with stakeholders on the findings and recommendations in the panel report, and we will conclude the review at the spending review. However, I am clear that whatever route a student chooses and whatever their background, post-18 education should set them on a successful path for their future. With this vision, I strongly believe that both the higher education and further education sectors can and should continue to thrive together. I commend this statement to the House.

5.26 pm

Angela Rayner (Ashton-under-Lyne) (Lab): I thank the Secretary of State for early sight of his statement.

“Augar is the epitaph for Theresa May’s government...slow, wrong-headed, indecisive and, above all, failing in its central objective, to help level up Britain.”

This is not my verdict, but that of the Secretary of State’s Conservative predecessor; nor is it a reflection on the panel and all the recommendations it has put forward; it is a reflection on the Government on this Government.

Let us start with the obvious point: the Prime Minister has welcomed the report, but is powerless to implement it. Never have I seen a sight so pitiful as the Prime Minister lobbying her own Government. Are there any recommendations in the report that the Secretary of State has the power to adopt now or ever, or will every decision be deferred until the spending review or, perhaps more accurately, until the Conservative party has a new leader and presumably a new Chancellor?

As it stands, the Government have now wasted two years on a review to reach the blindingly obvious conclusion that, as the Prime Minister now admits, abolishing maintenance grants was a huge mistake. If only she could have done something about it. Can the Secretary of State at least assure the House that he wants them restored, and guarantee a decision in time for the next cohort of students? The review also proposes extending more maintenance support to lifelong learning across the board—a point that we would echo. Can he guarantee to consider that, and can he tell us whether it would apply to part-time students?

Decisions need to be made on funding. The outgoing Prime Minister promised that austerity is over, but there is every danger it will continue in tertiary education. Presumably, the Secretary of State accepts that a cash freeze in funding for universities means a real-terms cut. Is the tokenistic fee cut pushed by the Prime Minister not the worst of both worlds, as institutions will have their hands tied on funding while students will still be graduating with tens of thousands of pounds of debt? Is there any guarantee that universities will not simply be left to bear the burden of a cut to fees that mostly helps higher-earning, mostly male graduates at the expense of middle earners? Can he assure us that any such proposal will have an equality impact assessment?

Does the Secretary of State really want graduates to spend 40 years—almost all their working life—paying off their student debt? Is that what we want for our young people? What is the Secretary of State doing about interest rates that have increased, under his Government’s watch, to over 6% a year?

What are the implications for the devolved nations? How have they been considered? The Secretary of State spoke about the value of degrees. How will that value be assessed? How does he value, for example, courses that lead to vital public sector jobs that are, frankly, underpaid? Does our society as a whole not benefit from all of us having access to learning? Adult education is vital to our economy and society. Who will decide which courses qualify, and how far will the new funding go given the terrible toll of cuts to adult education since 2010?

The review, rightly, acknowledges as a central point the need to reinvest in further education and to integrate the whole system. Does the Secretary of State accept that the base rate funding cut to further education and

funding 18-year-olds at a lower rate than 17-year-olds were both crucial mistakes? Underlying all those issues is the threat that instead of investing in the whole system, the Government will play universities and colleges off against each other—the very opposite of the collaboration and integration that is needed. Can the Secretary of State guarantee that he would not rob Peter to pay Paul by transferring resources, but would instead secure proper investment in both sectors? The report is a missed opportunity to re-examine the failures of the past decade’s free market experiment in education. Can the Secretary of State give us any reassurance that yet more college closures are not on the way?

There is much in the Augar review that is welcome, but its shortcomings go back to the limits that the Government placed upon it. The aspirations that both the panel and the Secretary of State expressed for our education system will always come up against the cold hard limits of the austerity that the Prime Minister once promised was over. Instead, it is the Prime Minister who is over.

Damian Hinds: I thank the hon. Lady for her questions. She asked a number of times whether I would guarantee to consider x, y or z, and I do absolutely guarantee to consider everything in the report. We will come forward with the conclusion of the review at the end of the year, at the spending review. That has always been the plan.

The hon. Lady asked about timing. If she cares to compare the timing of this review of post-18 education and its financing with that of the Diamond review in Wales, under the Labour Government there, she will find that it compares favourably. Regarding the devolved nations, I confirm that if there are any spending implications in the proposals we make at the conclusion of the review, and given that education is a devolved matter, funding for the devolved nations would apply in the normal way, including through the Barnett formula.

The hon. Lady asked me to commit to not playing off further education and higher education. I give her that absolute commitment. That principle is at the heart of the independent panel’s report: both routes of higher learning are essential for widening social mobility, for letting young people fulfil their full potential, and indeed for enabling our economy and our society to fulfil theirs.

We should not lose sight of the fact that we have a successful system in place, particularly for the financing of higher education. The hon. Lady and her Front-Bench colleagues constantly complain about it, but since the 2012 reforms, resource per student has increased dramatically, the living costs support available to disadvantaged students has risen to its highest ever level, more young people are going to university than ever before, and more young people from disadvantaged backgrounds are going to university than ever before.

Look at the record of the Opposition. Labour vowed to cancel student debt and to make university free, sometimes appearing to forget that there is no such thing as free. We want a well funded higher education and further education sector in this country, and there are only two types of people who can pay for that: the people who benefit from it and the people who do not. Having made that vow, Labour backtracked on its pledge on student debt. No one will ever trust the Leader of the Opposition again on student fees. People know that talk is cheap, but paying the price of broken promises is not.

Robert Halfon (Harlow) (Con): I welcome much of the report, particularly its strong emphasis on further education and technical education. Our Education Committee report talked about value for money in higher education and universities, focusing on skills, employability and social justice. Does my right hon. Friend not agree that the real engine of those three things is using funds to boost and put more emphasis on degree apprenticeships? They help people from disadvantaged backgrounds to gain the skills they need, they help us to meet our skills needs and they ensure that people are employed in properly skilled jobs.

Damian Hinds: My right hon. Friend has been a consistent champion of apprenticeships—specifically, degree-level apprenticeships. I thank him and the Committee for their work on that, including the wider work he mentions on higher education. I confirm that I think degree-level apprenticeships play a very important role in our system.

Carol Monaghan (Glasgow North West) (SNP): Elements of the review should be welcomed. It is encouraging that the UK Government finally recognise the barrier that tuition fees can place in the way of a young person's decision to go to university, but I suggest that the recommended reduction in fees is the bare minimum, rather than a meaningful reduction, for the young people who are considering this pathway. The Scottish Government will study the review's recommendations carefully to examine the impact on the college and university sectors in Scotland.

UCAS figures currently show that the number of Scots winning a place at university, including those from disadvantaged backgrounds, is at a record high. That is a testament to the Scottish Government's commitment to free education. I therefore welcome the recommendation that students from a low-income background in England will have maintenance grants reinstated, following the example set by the Scottish Government for low-income students.

The reduction in earnings threshold for repayment will hit those on a low income hardest. That, in addition to increasing the repayment time from 30 years to 40 years, will have far greater impact on low earners, who will have little hope of repaying early and will therefore accrue additional loan interest. What assessment has the Secretary of State made of the impact on lower earners of the earnings threshold reduction and longer loan repayments?

Universities have raised concerns that unless the income shortfall is made up by Government funding they will pay the financial penalty for these proposals. Will the Secretary of State confirm that the Government will make up the funding shortfall?

Finally, the review was carried out at the request of a Prime Minister now serving her last week in power. Will the Secretary of State assure the House that the proposals are to be considered now as firm Government policy, and that they will not be shelved once the Prime Minister departs and a new Tory leader takes over?

Damian Hinds: No, that is not correct. This is an independent panel report that feeds into the wider process of the Government's review into post-18 education and its financing. As I said to the hon. Member for

Ashton-under-Lyne (Angela Rayner), who speaks for the Opposition, we will of course consider very fully all the recommendations.

The hon. Member for Glasgow North West (Carol Monaghan) asked about repayment thresholds. I might ask her why Scottish students are still waiting—and, I gather, will still be waiting until 2021—for the recommendation made by her independent review into repayment thresholds to be put in place. She talked about barriers to young people going into higher education. I am afraid that the reality is: in England, we have record numbers of people going into higher education. In Scotland, as a direct result of her policy, the number of university places remains capped, which limits the number of young people who can benefit from the opportunity of going to university. The impact of that is that the disadvantage gap, if we look at England, Scotland and Wales, is biggest of all in Scotland.

Joseph Johnson (Orpington) (Con): The Augar review does not mention the teaching excellence framework. What use does the Secretary of State think the TEF will have in assessing which courses offer value for money for students and the general taxpayer?

Damian Hinds: I am grateful to my hon. Friend for giving me an opportunity to pay tribute to all the work he did as universities Minister. The TEF is a very important reform and is part of the framework from HERA—the Higher Education and Research Act 2017—and the OFS that enables a much more holistic view of quality in higher education. It remains a central part of that architecture.

James Frith (Bury North) (Lab): A Government who abolished maintenance grants for our poorest students commission a review that concludes that we need maintenance grants for our poorest students. That same Government welcome the idea, led by a Prime Minister in her end of days as PM before it is all change for this Cabinet, so how will the Secretary of State make amends for this mess in time and see grants brought back and the best of Augar brought in? This is a ghost ship Government—if it ain't Brexit, don't fix it. They do not have a hope for themselves. How can they possibly be the hope for higher education colleges and our students?

Damian Hinds: I gently mention to the hon. Gentleman that in his work on the Education Committee he has had an opportunity to look at the variety of what is available in our higher education system, much of which is of the very highest quality and competes with the best in the world. We also need to make sure that everybody is getting good access to that very high quality, that participation in university is widely spread through our society and that we concentrate not just on access to higher education, but on access and successful participation. We need to work more on all those things, but it remains the case that under this Government more young people than ever before have had the opportunity to benefit from a university degree.

Neil O'Brien (Harborough) (Con): Thanks to tuition fees, the unit of funding in real terms per student is now twice what it was when I went to university, despite universities having many more students. A student from a deprived background is now twice as likely to go to

university if they are in England rather than in Scotland. Does my right hon. Friend agree that it would be attractive to reduce the cost of going to university by cutting the number of low-value courses and not by making the general taxpayer pay, because that creates an unfairness, is regressive, moves money from poor to rich, and it means that those who have already been get nothing and have been ripped off by a promise made on the front of the *NME* but burned just days after the general election?

Damian Hinds: I pay tribute to the work that my hon. Friend has done and the thought leadership he has shown in some of his writings on these subjects. He is absolutely right to identify the increase in resource available to universities, but total HE financing has risen by £6 billion or so over the period through a combination of more students and higher resourcing. One thing that the report analyses in fine detail is exactly how we make sure that we properly reflect both the value and cost to serve of these courses. What he says is very apt.

Dr Roberta Blackman-Woods (City of Durham) (Lab): It is good, I am sure, that we have agreement across the Chamber that more money should go into lifelong learning and further education, but we want to hear a guarantee from the Minister that those resources will not come from higher education. We also want a guarantee that if tuition fees are reduced, any shortfall of money going to universities will be made up by teaching grant from the Government not just for science, technology, engineering and maths subjects, but for arts and humanities subjects, because they are also very important for our economy. If these proposals will eventually see their way into legislation—it is not clear to any of us how that would happen—is the Minister going to consult the sector widely so that he does not destabilise it further? We need those guarantees so that universities have certainty if they are to compete globally.

Damian Hinds: The hon. Lady will shortly meet the universities Minister in her all-party group on universities and will have an opportunity to discuss some of these things further. She mentioned teaching grants. The Augar report recommends precisely that—that there should be top-ups, although not exactly the same for all subjects. Few people realise the extent of the teaching grant. It is £1.3 billion, with some 40%—two in five—of courses attracting some sort of teaching grant. What the report talks about is how we balance that correctly properly to reflect not only value but cost to serve, as I said to my hon. Friend the Member for Harborough (Neil O'Brien).

Mark Pawsey (Rugby) (Con): One way to reduce the cost burden of achieving a degree is to conclude the studies over two years rather than three. What does the Secretary of State have to say to those who argue for greater availability of two-year degrees?

Mr Speaker: Pioneered by the University of Buckingham, the only independent university in the country and housed in my constituency. *[Interruption.]*

Damian Hinds: My hon. Friend the Member for Rugby (Mark Pawsey) says, “Bring it on!”. Your intervention, Mr Speaker, also gives me an opportunity to say nice things about Buckingham, which is always welcome.

We have legislated on this exact point to make two-year degrees more prevalent and available. Having different models of learning—models that are more flexible and which fit in with people’s lives—and greater diversity of choice is a very good thing.

Wes Streeting (Ilford North) (Lab): Like others, I warmly welcome the thrust of the Augar report, which is that we desperately need more funding for further and lifelong learning, not least because, as the report states, adult education under this Government has been slashed by a whopping 45%. We have not heard the Secretary of State give a commitment yet on robbing Peter to pay Paul. Whether he likes it or not, the idea that the Treasury will make up the shortfall from a cut in tuition fees is as credible as the claim that austerity is over. In reality is he not proposing the worst of all worlds for universities and students—graduates paying more for longer for degrees that are worse funded?

Damian Hinds: The short answer is of course no. This is not my set of recommendations; it is a set of recommendations from an independent panel feeding into a Government review of post-18 education and its financing to make sure we have a vibrant and sustainable education system in higher education and further education. We are committed to that and will respond at the spending review.

James Morris (Halesowen and Rowley Regis) (Con): I welcome the Secretary of State’s statement. The Augar report identifies the strategic imperative of a transformation in adult education in this country. I represent a constituency in the west midlands where further education is of central importance to the future of young people. Does he agree that we need to focus our attention and resources on transforming the further education offer to adults and on high-quality vocational skills that serve the needs of economies such as the one I represent in the Black Country and the west midlands?

Damian Hinds: My hon. Friend is right that we need to evolve the way we do further, continuing and adult education so that it fits with the realities of the economy today and—perhaps more importantly—with the unpredictable change that we know is coming, and part of that is about the national retraining scheme, for the development of which we have already committed significant resources.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): As I learned from the 10 years I chaired the Select Committee, we make most progress in higher education when we find a cross-party consensus, as anyone who looks at the Robbins report or subsequent reports, such as the Dearing report, will know. There is some good stuff in this report. Some of the people on it were special advisers to my Committee when I was Chair. We have to build a consensus. There are good things in the report and some things I really would not like. Our universities and colleges are the most important institutions for most towns and cities in the country, and we endanger their existence at our peril, so let us build a cross-party consensus. I love the part about a new fund for lifelong learning. Tony Blair introduced one in 1997. It failed, but everybody knew we should bring it back to secure the future of further and higher education. So I say well

[Mr Barry Sheerman]

done in part, but if the Secretary of State could keep a higher education Minister for more than a few months we would do a lot better.

Mr Speaker: The hon. Gentleman's long-term aspiration should be to ensure universal public awareness of the length and distinction of his tenure as Chair of the Select Committee.

Damian Hinds: The hon. Gentleman was right about more than one thing—let us say several. He spoke of the local importance of universities not only to the cultural life of our towns and cities but to, for instance, local economies, business development, innovation, and research and development. He was absolutely right about that, but he was also right to speak of the importance of securing a degree of consensus about these matters. The last two major reports, the Browne and Dearing reports, straddled a change of Government. I hope that that will not happen on this occasion, but I think it right for us to have an opportunity, between now and the conclusion of the spending review, to engage in a good discussion with, among others, representatives of the sector and politicians on both sides of the House and elsewhere, because I think that such discussions help policy making to evolve.

Sir Desmond Swayne (New Forest West) (Con): Reduced fees mean reduced university income—that is why the University of St Andrews caps its Scottish students' fees at 20%, isn't it?

Damian Hinds: I think the economists say “*ceteris paribus*”. Universities have a number of income streams, of which fee income is one. As I said earlier, a teaching grant already exists for two in five courses, and the report recommends a rebalancing between fees and teaching grants.

Wera Hobhouse (Bath) (LD): Successive Governments have neglected the importance of lifelong learning. This change of emphasis is welcome, but the proposed lifelong learning loan allowance is restricted to a limited range of courses, and mature students may not want to take up a loan late in their careers and lives. Will the Secretary of State consider expanding the allowance to cover a wider range of education and training and to provide grants rather than loans, so that no one is unable to afford the education that they need, even in later life?

Damian Hinds: The hon. Lady is right: these are important proposals, and the question of how we provide learning for people later in their life is also important. I am not sure that what is being proposed is quite as narrow as she has suggested, but the current system is rather difficult for people to pick their way through. That applies particularly to the equivalent or lower-level qualification rules—the so-called ELQ rules. They can be a little hard to understand, and that is one of the aspects to which we need to pay close attention.

Alex Chalk (Cheltenham) (Con): Earlier this year, I met recent graduates in Cheltenham who indicated to me that, while the degrees they had received were enormously valuable to their life chances, they felt that those degrees could have been provided within a shorter timescale. I know that the Government have legislated for this, but

can the Secretary of State assure me that, as part of any review, he will do everything possible to accelerate the provision of cheaper and more effective degrees?

Damian Hinds: My hon. Friend does great work on behalf of students in Cheltenham, and I know that he takes a close interest in these subjects. As I said earlier to my hon. Friend the Member for Rugby (Mark Pawsey), I want there to be more diversity and more options. In some instances, it is possible to accelerate degrees. That will work for some people but not others, and in certain courses and subjects but not others. However, I think we should try to stimulate as diverse and as tailored a market as possible.

Karin Smyth (Bristol South) (Lab): The Secretary of State has given us warm words about further education colleges, describing them as

“vital engines of both social mobility and economic prosperity.”

That does not match what we have seen in the report. It highlights the scandalous drop in study at levels 2 and 3 in recent years, which the panel believed was due to funding changes. Will the Government support calls for the restoration of funding at those levels, to remove the barrier to social mobility and help young people and adult learners to improve productivity?

Damian Hinds: The hon. Lady is right about the gap between level 3 attainment in our country and the attainment in countries such as Germany. That is a long-standing issue, rather than one that has just arisen. There is also a significant gap at the so-called levels 4 and 5—higher-level technical qualifications, above the A-level or T-level equivalent but below the degree-level equivalent. Our deficit in relation to other countries is particularly striking in that regard. Those are some of the issues that were considered by the independent panel, and we will, of course, consider its recommendations very carefully.

Paul Farrelly (Newcastle-under-Lyme) (Lab): Most fair-minded Members will regret the tripling of tuition fees and what has happened to student support since 2010. We fought a huge battle over higher education here after I became a Member of Parliament in 2001, and it has been dreadful to see how the system crafted back then has been so comprehensively dismantled. It is now living costs that are often so crippling for students and their families. As a matter of priority, may I ask the Secretary of State what the review's recommendations will do for families whose incomes are above the limit for all but the basic maintenance loan, and who are by no means wealthy but have two or three children who aspire to go to university?

Damian Hinds: The changes that we made in the move to maintenance loans increased the cash support available to young people starting at university by some 10%. There have been subsequent increases of 2.8% and 3.2%, and we have announced a 2.8% increase for 2019-20, as well as making maintenance loans available on a part-time basis. However, we must continue to keep these matters under review, and I welcome the report's contribution in that regard.

Ian Austin (Dudley North) (Ind): Will the Secretary of State meet me or, preferably, come to Dudley, so that he can see how we are making education and skills the

No. 1 priority for the borough? We are aiming to strengthen our economy, building on the brilliant work at Dudley College of Technology, the best college in the country, not just through the new institute of technology—for which we have just received £32 million, and we are very grateful—but through a new high-tech skills centre which will provide university-level qualifications in new high-tech industries? That will enable us to attract new jobs and new investment in exciting areas of the economy for the future, and to replace the jobs that we have lost in traditional industries.

Damian Hinds: I am well aware of the high reputation of Dudley College, and of some of the collaborative work that is being done. It is always a delight to meet the hon. Gentleman, and I look forward to doing so again soon.

Stephanie Peacock (Barnsley East) (Lab): The Secretary of State has given us warm words about technical education, but does he accept that the reality is frequently a postcode lottery in which towns such as Barnsley have too often lost out? When I met representatives of Barnsley College recently, they told me that many of the first-wave T-levels were simply unavailable. What will change for people in Barnsley as a consequence of the review if there is no funding to follow?

Damian Hinds: We are starting in a relatively small way in 2020 with three T-level subjects in a selection of colleges, but that will grow over time. The T-level programme is a national programme, but I think it is right for us to introduce it in a measured way in order to ensure that we get it right as we go along, for the benefit of those young people.

Ben Lake (Ceredigion) (PC): I welcome the Secretary of State's assurance—which I believe he gave in response to the hon. Member for Ashton-under-Lyne (Angela Rayner)—that Welsh higher education institutions would be compensated for any spending implications that arose from the review, but does he envisage that being done through the Barnett formula or through full compensation for Welsh institutions? If he inclines towards the former, may I ask him to consider doing the latter instead?

Damian Hinds: There are no spending implications today. This is an independent panel review report which feeds into a wider Government review, and—as I have mentioned a couple of times now—we will finalise it later in the year. The funding for the devolved Administrations, including funding through the Barnett formula, will apply in the normal way, as per the statement of funding policy. It will then be up to the Government and the devolved Administrations to decide on the allocation of that money in the light of competing demands.

Peter Kyle (Hove) (Lab): As chair of the all-party parliamentary group on further education and lifelong learning, I can welcome and celebrate many parts of the report. However, as someone who went to the University of Sussex as a mature student, experienced for the first time in my life an institution that saw potential in me, and worked hard to fulfil that potential—whether it has been successful or not is up for debate—I am worried about the possibility that we will enter a world in

which further and higher education will be pitted against each other in a zero-sum competition. Can the Secretary of State reassure the House that whatever the recommendations are, he will never allow that to happen?

Damian Hinds: I pay tribute to the hon. Gentleman and the work of his all-party parliamentary group. We must not allow different parts of our education system to be pitted against each other, and I can give him an absolute commitment not to do so. In fact, as he will know through his work, there is already a great deal of cross-over between what higher education institutions do and what further education institutions do, but they are both incredibly important parts of the overall system.

Thangam Debbonaire (Bristol West) (Lab): Does the Secretary of State not agree with me that ensuring that free or low-cost high-quality childcare was available on demand for parents who need it to go to college or university would be transformative for women's lives? If he does agree, will he commit to properly fund early years education and high-quality childcare for children of all ages, and to do so properly on the supply side, so that women can get training or qualifications and develop their potential and we can make progress in closing the gender earnings gap?

Damian Hinds: I was worried when I saw the hon. Lady pick up what looked like a novel, but it turned out only to be a question in a notebook, albeit a very important question about childcare. Of course this Government are investing more than ever before in early years and childcare. I will have to write to the hon. Lady on the specifics of support for students, but I absolutely agree that childcare is a very important consideration for many people.

Paul Blomfield (Sheffield Central) (Lab): I wonder if I can give the Secretary of State the opportunity to answer a question he has sidestepped so far. He said in his opening remarks:

“The panel's recommendations on student finance are detailed and interrelated, and cannot be considered each in isolation.”

If the Government accept the recommendation to reduce the fee cap, will the Secretary of State commit to the Augar recommendation to

“replace in full the lost fee income by increasing the teaching grant, leaving the average unit of funding unchanged”?

Damian Hinds: I believe that Ministers used often to stand at this Dispatch Box and say, “I refer the hon. Gentleman to the answer I gave a few moments ago,” but the Gentleman has just been good enough to repeat it so I do not have to. All these things—the various terms of repayment, the level of the fee, the T-grant top-up and so on—are interrelated; of course they have to be considered in the round and we will do so when we come back with our response.

Daniel Zeichner (Cambridge) (Lab): There is much to welcome in this review, not least the proposals to tackle the neglect of those who do not go to university, but the universities are right to worry about the proposals for differential funding for different courses, which the Secretary of State appeared to speak quite warmly of a few moments ago. Universities are different; they are not all the same—they have different strengths and different roles—and they are best placed to determine

[Daniel Zeichner]

how to allocate resources, so can the Secretary of State reassure us that he respects and understands university autonomy?

Damian Hinds: I not only respect and understand but celebrate university autonomy. I think the hon. Gentleman represents a university city so I am slightly surprised at his question, because of course different subjects attract different amounts of money right now, and quite markedly different amounts of money. For example, a great deal more teaching grant goes into medicine than other subjects. The independent panel review report suggests there should be a different balance in the cap on overall fees and therefore how much variability there would be in the T-grant, but it is not introducing that principle for the first time.

Political Process in Northern Ireland

6.2 pm

The Secretary of State for Northern Ireland (Karen Bradley): With permission, I wish to make a statement about the political process in Northern Ireland.

As the House is aware, on 26 April we announced a new phase of political talks aimed at restoring the institutions set out in the Belfast agreement on a sustainable basis. We said then that we would review progress at the end of May. I wish to confirm to the House that we have done so and have concluded that talks should continue and intensify.

Since the talks process started on 7 May, I have held a number of roundtable meetings involving party leaders and, as appropriate, the Irish Government in accordance with the well established three-stranded approach. In addition, working groups have been meeting regularly over the past four weeks led by current and former senior officials from the Northern Ireland civil service. These working groups have covered issues in five areas: the programme for government; transparency, accountability and the operation of the Executive; reform of the petition of concern; rights, language and identity issues; and improving the sustainability, stability and operation of the Belfast Good Friday agreement institutions as a whole. The process has made good progress thus far, and there is now a genuine but narrow window to reach agreement.

First, let me say that it is my belief that there is a genuine will among the parties to reach an agreement and to return to devolved government. I am grateful for the constructive manner in which they have engaged with this process, and with each other, to date, and I am hopeful that that collective leadership will continue through the next phase of talks.

Secondly, on the substance of the talks, it is clear that there are a number of areas in which a consensus can be found across a range of issues, but there remain real and substantial areas of disagreement. The issues that the parties are grappling with are complex and sensitive. They have approached them in a spirit of engagement and with a willingness to find solutions. I have said from the outset of this process that it is important that the parties have the space to discuss these issues, to build trust and relationships and to find common ground and compromise, and that continues to be the case.

However, I am under no illusions. The people of Northern Ireland need and deserve to see functioning political institutions up and running and to have decisions taken by locally accountable, democratically elected representatives. So while the prospects for agreement are real, the window for agreement is narrow. The Government remain willing to do what is necessary to make this talks process a success. It will, however, take continued good will, engagement and leadership across the parties to reach agreement.

Northern Ireland is a part of our United Kingdom with tremendous strengths and even greater opportunities. Today, unemployment in Northern Ireland is at record lows while employment is at record highs. The economy is growing, tourism is booming. Northern Ireland is a great place to live, work, do business and invest. But it could be doing even better. Central to that is political stability and the restoration of all the institutions in the Belfast agreement.

The appalling killing of Lyra McKee in April was a stark reminder of the importance of ensuring that the hard-won peace and stability in Northern Ireland is not put in jeopardy. There is a responsibility on us all—the Government and those of us in this House and the other place, and the Northern Ireland parties themselves—to ensure that that does not happen. That requires renewed faith in the ability of the institutions of the Belfast agreement to deliver for the people and businesses of Northern Ireland. This process presents an opportunity to build that renewed faith, and I commend this statement to the House.

6.7 pm

Tony Lloyd (Rochdale) (Lab): I thank the Secretary of State for prior notice of her statement. Like her, I think it is right and proper to mention, these weeks on, the murder of Lyra McKee. I say that partly because I also want to mention the targeted and malign attempt to murder a Police Service of Northern Ireland officer in Belfast in recent days. This House, this country of ours and these two islands have to recognise that tensions are rising as we speak, and those tensions must be dealt with and a constitutional means of challenging those who would do us harm is the right and proper way to proceed.

The Secretary of State spoke with some optimism about the situation and that reflects the conversations I have had with those closely involved in the talks process. People say to me that there is a credible mood that all parties are searching for solutions, and I applaud that and commend those who engage in those endeavours. However, the Secretary of State also said that there is only a very narrow window in the political calendar. She is right, and that narrow window will close in the not too distant future.

In the meantime, many things in Northern Ireland are simply not going in the right direction. Decisions are not being made that would be being made in any other part of this country of ours. We have discussed education and health in this Chamber before, and I want to mention the Derry and Strabane city deal; making it come into operation with the match funding depends on having a functioning Executive. These things really do require an Executive and the people of Northern Ireland are paying a high price for the fact that that does not exist.

So there is pressure; there is pressure on local politicians, but frankly there is pressure on the Secretary of State and on the Tánaiste Simon Coveney, who I know has, along with the Secretary of State, been attentive in making sure that he was present at those talks. However, the Secretary of State did not mention the Prime Minister or the Taoiseach. I appreciate that the Prime Minister will be in office for only a limited time, but it is still an office of profound importance and her capacity to influence the talks process is real. I hope that she will engage with this in her last few days in office, and that her successor, whoever that might be, will also commit to the talks process. It would be more than a shame to miss that opportunity.

The Secretary of State said that there would be no running commentary on the talks process, and that is right and proper, but we know that there are substantive issues that still divide the parties. Are those issues being addressed in the working group? I am not asking whether

they exist in the working group; I am asking whether we are moving towards tangible solutions to the questions that divide the parties. I will not go through a whole list of the issues, but the petition of concern has been recognised by most of the parties as an area in need of reform. I say to the Secretary of State in good faith that there is a possibility that some of those issues would be better dealt with in Westminster if they cannot be dealt with through the Stormont process, and she knows that the Opposition will assist the Government in that process if she takes that route. Will she tell us whether there are areas in which it might now be appropriate to consider Westminster legislation?

Finally, I know that the Secretary of State had consultations last week on the results of the inquiry into historic institutional abuse. Will she update the House on that today? We have said before that the victims of that abuse deserve recognition, resolution and justice, and it would be unconscionable if, in the middle of an optimistic talks process, their plea and their plight were lost.

Karen Bradley: I thank the hon. Gentleman for his offer of support for the process that we are going through. I know that he speaks regularly to the parties in Northern Ireland, and that he has offered his support and that of his party to enable those parties to find the space they need. We have to be clear that these are difficult issues, and there will need to be give and take on all sides in order to reach an accommodation. That will require difficult decisions to be taken, but they will be taken for the right reasons and I am grateful for any support that he can give.

The hon. Gentleman was right to refer to the attempt on the life of the PSNI officer over the weekend, but it would be inappropriate for me to comment on the operational details. This once again reflects the real threat faced by police officers, prison officers and others in Northern Ireland. We should be clear that there is no excuse for the behaviour of the dissident terrorists who carry out these activities. They cannot hide behind a lack of devolved government or any other issue to excuse their behaviour. They are the only ones responsible for it, and there is no excuse for it. The hon. Gentleman is right to highlight the fact that those issues exist in a way that they simply do not exist in his constituency or in mine.

The hon. Gentleman rightly talked about the optimism and positive mood of the talks. There is no doubt that all the parties have approached the talks in the right frame of mind and with the right determination. He was also right to say that there is a narrow window in which we can deliver. He will know that the issues being discussed in the programme for government working group are issues of concern to people in Northern Ireland that devolved government can deliver for them in a way that no other governance arrangements can deliver.

The hon. Gentleman talked about the city deals. The Derry and Strabane city deal has just been announced, and the heads of terms for the Belfast city deal were signed in April this year. Of course the Government will do everything they can to deliver those city deals. They rightly include initiatives by the councils themselves, as is the case across the whole of the United Kingdom, but he is right to say that certain powers will need to be divested by Stormont to the councils to enable them to deliver, and that match funding will be required.

[Karen Bradley]

The hon. Gentleman talked about a role for the Heads of Government. It was the Prime Minister and the Taoiseach who carried out the review on the progress of the talks this weekend, and who issued a statement asking for the talks to continue and intensify. I want to assure him that the Prime Minister is very much engaged in this matter. She receives regular updates and is willing to do whatever she can; she is determined to ensure that devolved government is restored, because that is what the people of Northern Ireland need.

The hon. Gentleman talked about addressing the issues, and about the petition of concern. As I have said, a working group has been working on the reform of the petition of concern in a 90-Member Assembly, in order to deal with concerns about how the petition of concern has operated in the past. Of course we in Westminster stand ready to take forward any legislative changes that are needed. Some of the things that are being discussed would require amendment of the Northern Ireland Act 1998 itself, and of course this Government are ready to legislate where necessary. However, these are devolved matters that need the agreement of the parties and cross-community agreement, and that is what we are working to achieve.

Finally, the hon. Gentleman asked about the historic institutional abuse inquiry, and I want to assure him that I am working relentlessly to make progress on that matter. As he knows, the problem was that Sir Anthony Hart reported to the Executive after the Executive had collapsed. Despite all the efforts to restore the Executive since January 2017, that simply has not been possible, and in the absence of ministerial direction on the approach to Sir Anthony's recommendations, it is difficult to bring forward any legislation that would be robust and that would deliver for the victims. I have met those victims, and I want to deliver for them as quickly as we possibly can. The hon. Gentleman will know that David Sterling carried out a consultation in the absence of Ministers to enable us to get the evidence we need for whatever the robust legislation that will deliver would look like, and that process has led to a number of questions being raised that need a ministerial direction. I am grateful that the parties are working with me to come up with a unified, all-party approach to questions on the make-up and powers of the redress board, for example, and on whether further top-ups are required for those people who have already received civil pay-outs. These are fundamental questions that need answers, and I am grateful that the parties are helping me to develop final legislation on this matter so that we can take it through in whatever place is most appropriate to ensure that it is delivered as quickly as possible for those victims.

Several hon. Members *rose*—

Mr Speaker: Order. This is a matter of the utmost importance and I want to accommodate everybody, but I gently point out to the House that there are several hours of debate on subsequent business to follow, so economy is of the essence.

Sir Mike Penning (Hemel Hempstead) (Con): The Secretary of State mentioned the brave and fantastic work of the PSNI and the prison service, and the risks that their members run. May I remind her that there are

also British Army battalions based in Northern Ireland, and that we need to ensure that they are being looked after as well? She also mentioned the five points. If there is agreement on only four of those points, surely we cannot hold out forever and a day to get a guaranteed agreement on all five of them. There must be a backstop. There must be a situation in which those in the negotiations know that if they do not sort this out, there will be direct rule.

Karen Bradley: I am sorry that my right hon. Friend is disappointed that there are only five points. There are five areas in which discussions are taking place, within which there will be areas of consensus in all the working groups as well as areas that do not yet have consensus. We are working hard to achieve that consensus. I want to see us reach a point at which all the parties in Northern Ireland can confidently go into an Executive that they know is sustainable and will deliver for the people of Northern Ireland, and at which all the institutions of Northern Ireland established under the Belfast agreement are properly constituted.

Gavin Newlands (Paisley and Renfrewshire North) (SNP): I thank the Secretary of State not only for giving me advance sight of her statement but for meeting me earlier to provide a briefing on the situation in person. That was definitely appreciated. I agree with what she said about the appalling killing of Lyra McKee. That has been a stark reminder of the importance of ensuring that the hard-won peace in Northern Ireland is not jeopardised. We have only to look at the attempt on the life of a PSNI officer at the weekend to be reminded of the fragility of that peace. She is right to say that there is a responsibility on us all—the Government, the parties in this place and the Northern Ireland parties themselves—to ensure that the peace is not jeopardised, and the tone and manner in which we debate these issues is of the utmost importance. The SNP and I wish her well in delivering the hopes of all in Northern Ireland in the coming weeks.

Given the narrow window of which the Secretary of State speaks and the criticism of the level of intensification of the talks yesterday, with previous talks in Northern Ireland involving round-the-clock discussions, when will the Government seek to ramp up the intensity? Have the Governments outlined to the parties what actions they will take if the current talks are unsuccessful? What progress has been made on the reform of the petition of concern, which has the potential to unlock various other areas of disagreement?

Reports in the *Belfast Telegraph* this morning suggest that the backstop will form a key part of the negotiations between the DUP and the UK Government over a new confidence and supply agreement. Given what I will call the “divergent” views of the Northern Ireland parties on the backstop and Brexit itself, is the Secretary of State concerned that the anticipated confidence and supply negotiations may undermine and overshadow any progress made during the current talks?

Karen Bradley: I am grateful to the hon. Gentleman for his support. I was pleased to be able to sit down with him to discuss the role that he can play. He is quite right to talk about the tone and manner in which we discuss such matters. Speculation about what may or may not be matters of consensus or disagreement—this is not directed at the hon. Gentleman—does not help in this situation.

If what we all want is the restoration of devolution, it is important that we do not speculate or try to second-guess, and that we allow the parties the space they need.

As for the intensity of the talks, we have already changed our approach following the statement from the Prime Minister and the Taoiseach over the weekend. The working groups have done great work, but we are now elevating the issues to leadership level, and this week is about airing those matters and intensifying the talks. I do not want to consider what might happen if the talks fail, because we cannot give anyone an excuse for failure. This is about how to succeed and get government restored.

Finally, the hon. Gentleman referred to the Government's confidence and supply arrangements and Brexit, and I want to be clear that Brexit is not a part of the discussions. The talks are about how we re-establish government to deliver for the people of Northern Ireland on the issues that are Stormont's responsibility. The confidence and supply arrangement is something for the usual channels.

Simon Hoare (North Dorset) (Con): Civic society in Northern Ireland wants somebody to bang people's heads together to ensure that the talks do not fail and that devolution is put back on its feet. In thanking my right hon. Friend for her statement, may I ask her what scope may exist to identify a George Mitchell-like character who could fulfil that role, act as an honest broker and ensure that the flame of hope that was lit with the sad and tragic murder of a journalist is not extinguished on the altar of intransigence?

Karen Bradley: My hon. Friend is right to talk about civic society, which has played a role in the talks so far. We have had engagement with Church leaders, who have had their own initiative to get the party leaders together with civic society. Representatives of civic society have also had the opportunity to meet the party leaders to discuss their issues with them. The point of that meeting was that, yes, it is important that civic society can make its points to the leaders about what it wants to see government deliver, but it is also important that civic society recognises that everybody will not get what they want on day one. Civic society needs to show the same restraint that we are asking politicians to show.

I am pleased to say that Senator Mitchell visited Northern Ireland a couple of weeks ago, when he was able to come to the talks to add his support for the work that is happening. I want the talks to succeed, and I am prepared to consider anything that will help that. At the moment, however, the mood is right, the atmosphere is right, and we need to keep working hard on that.

Nigel Dodds (Belfast North) (DUP): I thank the Secretary of State for her statement. After the outrage expressed following the killing of Lyra McKee, the attack on the PSNI officer shows the depths of depravity of the terrorists who entirely disregard what the communities are saying. Sadly, they will not desist even if the Assembly is up and running, because David Black was murdered when devolution was going on. Such people need to be tackled resolutely. Will the Secretary of State assure the House that everything is being done to ensure proper co-ordination with the Garda Síochána, and that the police are given the resources and everything they need to tackle this scourge in Northern Ireland?

On the talks themselves, may I ask the Secretary of State to ensure that the three-stranded approach to which she referred is kept sacrosanct, so that Northern Ireland's internal affairs are a matter for the Northern Ireland parties and Her Majesty's Government?

Karen Bradley: On the latter point, I assure the right hon. Gentleman that that is the case. He also talked about the threat from dissident terrorists, and he is right that the threat will exist no matter what, but it flies in the face of what people across the community want. We all stand ready to do whatever is required. I spoke to Deputy Chief Constable Martin yesterday, and I continue to offer whatever support is required by the PSNI, which works closely with the Garda Síochána, to ensure that we are all tackling the threat.

Sir Jeffrey M. Donaldson (Lagan Valley) (DUP): I know that dealing with the legacy of our troubled past is a priority for the Secretary of State. Further to the point just made by my right hon. Friend the Member for Belfast North (Nigel Dodds), does the Secretary of State agree that those who argue that the PSNI should be required to police the past as well as the present are plain wrong? The police need extra resources, not to devote resources towards things that happened 40 years ago—important though they are for the innocent victims. We need a separate, distinct, focused process to deal with the past, and we must let the PSNI get on with the job of policing the present.

Karen Bradley: The right hon. Gentleman highlights an important point that is one of the reasons why the PSNI is so keen that we make progress in reforming the institutions that deal with the legacy of the past. He will know that we consulted on that, and I will be issuing the summary document of the consultation responses shortly.

Kate Hoey (Vauxhall) (Lab): The Secretary of State knows the importance that the Northern Ireland Affairs Committee, which I am temporarily chairing, attaches to the historical institutional abuse inquiry. In response to the unanimous letter that the Committee sent to her, she said, "I do not want this urgent issue to be delayed or stalled as part of the talks process—quite the opposite." Will she give us an absolute assurance that the matter will not get bogged down among all the other issues?

In addition—I say this carefully—could the Secretary of State possibly take some press questions the next time she makes a statement? It looks bad when she does not answer any questions while the Foreign Secretary of the Republic of Ireland answers questions for half an hour.

Karen Bradley: I congratulate the hon. Lady on her temporary role as the acting Chair of the Northern Ireland Affairs Committee. She is doing an excellent job, and I have been following her progress closely.

I assure the hon. Lady that I am working on the matter of historical institutional abuse in parallel. It is not part of the talks progress, but I need the parties to work with me. The parties include the Ministers who will operate the scheme, so we need to know that the redress scheme is operable and works for them and, most importantly, for the victims.

[Karen Bradley]

Finally, as for the criticism that I have received for making statements to the press while not answering all their questions at every moment, my priority is to see devolution restored, and I am not prepared to do anything that jeopardises that. While I am happy to speak to the press and answer their questions, I do not think anyone gains anything from speculation or the over-analysis of answers.

Mr Gregory Campbell (East Londonderry) (DUP): Does the Secretary of State agree with me and many people in Northern Ireland that we need all the parties to reach a consensus? There is no point in any single party saying, “Here are our prerequisites and demands. We will not move from them.” That is what Sinn Féin has done up until now, and that is a prerequisite for no agreement, rather than consensus.

Karen Bradley: I do not want to comment on what is going on in the talks, but I agree that we need to reach consensus, which means that all parties will need to come together and agree on a way forward that means we can restore devolution.

Ian Paisley (North Antrim) (DUP): The Secretary of State, in reply to the shadow Secretary of State, said that decisions have to be made. She will know that at least five decisions have to be taken before the end of June. She has already covered the issue of historical inquiries, and there is also the issue of contaminated blood and compensation, the fallout from the renewable heat incentive report—the Select Committee will be reporting on that before the end of June—and the jobs initiative retention programme with regard to my constituency. There is also a decision to be taken on a new event for Northern Ireland next year. Will she commit now that those decisions will be taken by the end of June?

Karen Bradley: I am well aware of the decisions that need to be taken. My focus is on restoring government in Northern Ireland so that decisions can be taken by those elected by the people of Northern Ireland.

Sammy Wilson (East Antrim) (DUP): The Secretary of State, when questioned by the press, has talked of the need not to jeopardise the talks, but does she accept that, by refusing to answer questions and giving that role to the Foreign Minister of the Irish Republic, she is allowing the impression to be given that these talks are driven by the Irish Republic and are not in the hands of the UK Government? That is in breach of the three-stranded approach there should be when it comes to these talks.

Karen Bradley: It is my view that the more speculation there is in the press and elsewhere about these matters, the less chance we have of restoring devolved government. I am not prepared to do anything that jeopardises the possibility of restoring government in Northern Ireland. The approach that other politicians take to dealing with the press is a matter for them. I have the utmost respect for the press—when I was Secretary of State for Digital, Culture, Media and Sport, I was an absolute advocate of press freedom—and the press are welcome to scrutinise

and question me at length, as they regularly do. But on these matters, I am not prepared to do anything that makes it harder for the right hon. Gentleman’s party and others to do what I know they want to do, which is to go back into government.

Jim Shannon (Strangford) (DUP): Will the Secretary of State outline how she intends to secure the sustainability of the institutions to ensure that never again will we be left in a position where someone can misuse the available mechanisms to bring down devolved government, leaving an entire country—Northern Ireland—rudderless for two-plus years?

Karen Bradley: Of course, the sustainability and stability of the Executive working group has been looking very carefully at these issues. It is not about what I will do to ensure that; it is about what the parties agreed to do. Obviously, if changes to the Northern Ireland Act 1998 are required, the Government stand ready to take those measures. I urge the parties to recognise the need and the public desire to do the right thing and restore devolution. I agree with the hon. Gentleman that nobody wants to see us ever again in this position of two and a half years without devolved government.

Gavin Robinson (Belfast East) (DUP): I thank the Secretary of State, the shadow Secretary of State and all colleagues who mentioned the outrageous attempted murder of my constituent in my constituency on Saturday.

The Secretary of State is right about the need for constructive engagement, and she has fairly reflected that there has been constructive engagement over the past four weeks of this talks process. Although she recognises that consensus is emerging on some issues, the more difficult issues still need to be addressed and the timescale seems quite short.

The Secretary of State knows that the Northern Ireland (Executive Formation and Exercise of Functions) Act 2018 allows a period of five months, which does not expire until August. Without wishing to use all of that time, does she realise that the narrow window may need to be extended to achieve a good result?

Karen Bradley: The hon. Gentleman is right to make the point that the Act expires towards the end of August. The Act has enabled decisions to be taken in the absence of Ministers that could not otherwise be taken, but it does not allow for the decisions that we need to be taken—that requires Ministers. I do not think the people of Northern Ireland want to wait any longer than they have to wait to see government restored.

The hon. Gentleman is right that there are difficult issues that will require a lot of accommodation from all sides in order for us to achieve restored government, which is what we want to see, but I do not think that extending time limits or putting in new milestones helps us to achieve that. What we need to do is to get down to business and get the agreements that we so desperately need.

Paul Girvan (South Antrim) (DUP): We welcome the statement but, to follow on from my hon. Friend the Member for Belfast East (Gavin Robinson), an extension will be required to allow permanent secretaries to make decisions should we not have the Assembly up and running by August, and it is highly unlikely that we will have an Assembly by that stage. In the vacuum that has

been created, as my hon. Friend the Member for North Antrim (Ian Paisley) highlighted, decisions need to be made, and will have to be made, on a number of strategic issues. Will measures be put in place to ensure that, in August, permanent secretaries can move ahead and make decisions?

Karen Bradley: As I said in response to an earlier question, I do not think we should be talking about what happens in the event of failure. That is not what people want to hear. They do not want to hear about the second or third best option; they want to know that the best option of restored government will be achieved.

I know how hard the hon. Gentleman's colleagues in the DUP are working on this, and I am very grateful for the hard work to date and for the very positive attitude that has been displayed by them and by politicians from across all parties in Northern Ireland. I know how tough this is, and I know how difficult it is. I know this will require a big piece of work over the next few days and weeks, and I am determined that we will do everything we can to deliver that. As I say, there is not a second best option. There is only one option that really works. The risks do not get easier; the risks just increase. We need to deliver for the people of Northern Ireland.

Driving (Persons with Dementia)

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

6.37 pm

Rachel Maclean (Redditch) (Con): I beg to move,

That leave be given to bring in a Bill to require doctors to inform the appropriate driver licensing agency of a diagnosis of dementia; to require drivers diagnosed with dementia to undertake a supplementary driving assessment; and for connected purposes.

This Bill is born out of my personal experience, but I know many other people have similar stories to tell. My Bill sets out to better address just one area of daily life that is impacted for the 850,000 people in the UK currently living with dementia. That number is expected to rise to 1 million by 2025 and to 2 million by 2050. Many families and carers are concerned for their loved one's safety while driving with the condition, and I am pleased to have received support from many of them.

It is important to say from the word go that this Bill does not seek to prevent those diagnosed with dementia from driving if they can do so safely. Indeed, one in three people with earlier-stage dementia still drives, and it is critical for those diagnosed with dementia to maintain their quality of life and dignity. Driving truly is at the heart of a person's independence, and it can be hugely difficult to come to terms with its loss. Yet, at the same time, carers and families may have serious concerns about the safety of their loved one and of road users in the neighbourhood, particularly if their loved one lives alone or far from the main family member or carer.

This Bill seeks to make the mechanism for assessing fitness to drive with a dementia diagnosis fairer to both the person with dementia and their family, carers and the local community. Of course, driving is dangerous at the best of times and is not without risk, especially when one is diagnosed with a condition that affects cognitive ability. Although, of course, every individual is different, statistics show an increased risk of dementia patients being involved in road traffic accidents. I do not believe that the current system strikes the right balance in mitigating the risk, and at the moment it only adds to the very difficult process for families trying to help their loved ones make the transition. My Bill seeks to start a conversation about how we can support a person with dementia more compassionately as they come to terms with the impact of such a devastating condition.

The status quo is that the licence holder—the person with the diagnosis—is responsible for notifying the Driver and Vehicle Licensing Agency or Driver and Vehicle Agency. But some people diagnosed with dementia do not necessarily want to start a process that might ultimately lead to their licence being revoked. It is common for the person with dementia to lack insight into their own loss of capacity. It is also the case that GPs may not be prepared to notify the DVLA, for the same well-intentioned reasons. A GP does not always see their patient behind the wheel, and if they have known the person for years, it is a difficult and unwelcome conversation for them to have, especially given the pressures that we all know frontline GPs work under. I have heard anecdotal stories from GPs who were not prepared to take steps on the driving issue until a dementia patient actually drove into their car in the surgery car park.

[Rachel Maclean]

My Bill would recognise that a person with dementia might be safe to drive, and would establish a simple mechanism for an assessment to take place. It would therefore become the norm for the DVLA to be notified and for a supplementary test to take place at an appropriate interval following the diagnosis. That would present the patient with the opportunity to actually demonstrate to their carers and the community that they were in fact safe to drive, which would be a welcome outcome for everyone. Should the person be found unsafe to drive, it would be a natural opportunity to help them access the many excellent local transport options, whether Rural Wheels or other services in their community. An end to driving does not necessarily mean an end to an independent, fulfilled life, and I warmly welcome the work that volunteers and local authorities do to provide vital services.

It is a common misconception that the driving test that dementia patients are required to take is the same as the full driving test and, of course, most of us—even if we have been driving for years—would probably not be able to pass the test, let alone someone who is a little older. The supplementary driving assessment looks at the overall impact that dementia is having. It is done in a supportive way and makes some allowances for the bad habits that drivers might have developed. The outcome of the test might suggest modifications to the vehicle or driving behaviour that could extend the period someone could drive safely following a diagnosis.

Under the simple system proposed in the Bill, the clinician or doctor would be required to notify the DVLA automatically, which would then require the person to take the driving assessment at an appropriate juncture. If that were part of the normal process following a diagnosis, it need not be feared. It is only one small

practical step, but it would present a wonderful opportunity to talk about how we, as a society more generally, can not only continue to support vital research work to eventually find a treatment for all forms of dementia, but ensure that services are properly resourced in the future.

As we come to the end of the parliamentary Session, I am delighted to have been able to use this opportunity to raise awareness of dementia. Of course, other conditions can have similar impacts on one's ability to drive and I do not believe other disabilities should be treated differently from dementia in this regard, but given my personal experience I wanted to raise this specific issue in my Bill. I am pleased to have secured the support of Alzheimer's Research UK, which has been invaluable in supporting me with the Bill, and I am also delighted that colleagues from across the House are supporting me, including the chair of the all-party parliamentary group on dementia.

I hope the Bill will encourage a conversation about how we can better support those with dementia and address the wider impacts on our society. This is one small part of the jigsaw, but it is a real issue that many families face every day. Such impacts might not necessarily come immediately to mind, but are emotionally just as painful as others. The Bill seeks first and foremost to encourage that conversation, and I commend it to the House.

Question put and agreed to.

Ordered,

That Rachel Maclean, Antoinette Sandbach, Sir David Amess, Eddie Hughes, Anne-Marie Trevelyan, Vicky Ford, Simon Hoare, Jack Brereton, Jack Dromey, Nic Dakin, Jim Fitzpatrick, and Debbie Abrahams present the Bill.

Rachel Maclean accordingly presented the Bill.

Bill read the First time; to be read a Second time tomorrow, and to be printed (Bill 394).

Wild Animals in Circuses (No. 2) Bill

Consideration of Bill, not amended in the Public Bill Committee.

New Clause 1**MEANING OF WILD ANIMAL**

‘(1) In this Act, “wild animal” means an animal other than one of a kind that is commonly domesticated in Great Britain.

(2) For the purpose of subsection (1), an animal is of a kind that is domesticated if the behaviour, life cycle or physiology of animals of that kind has been altered as a result of the breeding or living conditions of multiple generations of animals of that kind being under human control.

(3) In this section—

“animal” has the meaning given by section 1(1) of the Animal Welfare Act 2006.’—(*Philip Davies.*)

This new clause adds a more detailed explanation for terms used within the bill.

Brought up, and read the First time.

6.46 pm

Philip Davies (Shipley) (Con): I beg to move, That the clause be read a Second time.

Madam Deputy Speaker (Dame Rosie Winterton): With this it will be convenient to discuss the following:

New clause 2—*Meaning of other key terms—*

‘In this Act—

“circus operator”, in relation to a circus, means—

- (a) the owner of the circus,
- (b) any person, other than the owner, with overall responsibility for the operation of the circus, or
- (c) if neither of the persons mentioned in paragraph (a) or (b) is present in the United Kingdom, the person in the United Kingdom who is ultimately responsible for the operation of the circus;

“officer”, in relation to a body corporate, means—

- (a) a director, manager, secretary or other similar officer of the body corporate, and
- (b) any person purporting to act in any such capacity;

“travelling circus”—

- (a) means a circus which travels, whether regularly or irregularly, from one place to another for the purpose of providing entertainment,
- (b) includes—
 - (i) a circus which travels as mentioned in paragraph (a) for the purpose mentioned there, despite there being periods during which it does not travel from one place to another,
 - (ii) any place where a wild animal associated with such a circus is kept (including temporarily).

but not a circus which travels in order to relocate to a new fixed base for use only or mainly as a place to give performances.’

New clause 4—*Moratorium on the issuing of new licences and adding animals to current licences—*

‘On the day on which the Act is passed, the following provisions will apply to circus operators using wild animals in travelling circuses—

- (a) there will be a moratorium on the issuing of new licences under the provisions of the Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012; and
- (b) current licences granted under regulation 4 of the Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012 will not be extended to include additional licensed animals.

These provisions will apply until the Act comes into force.’

This new clause would prevent the issue of new licences, or the addition of animals to existing licences, from the day the Act is passed.

New clause 5—*Powers of seizure: animals—*

‘Where an animal is seized under paragraph 7(k), an inspector or a constable may—

- (a) remove it, or arrange for it to be removed, to a place of safety;
- (b) care for it, or arrange for it to be cared for—
 - (i) on the premises where it was being kept when it was taken into possession, or
 - (ii) at such other place as he thinks fit.’

This new clause would enable an animal which has been seized to be removed and cared for appropriately.

Amendment 1, in clause 1, page 1, line 15, leave out subsection (5).

Amendment 3, in clause 4, page 2, line 14, leave out “2020” and insert “2022”.

This Amendment will enable circuses to have enough time to plan for the Act coming into force.

Amendment 4 to the schedule, page 3, line 5, at end insert—

“(1A) A police constable shall be considered to be an inspector for the purposes of this Act.”

This amendment would allow a police constable to have the same powers as an appointed inspector with respect to the Act.

Amendment 5, page 4, line 38, leave out “except” and insert “including”.

This amendment would allow animals, held by those who are suspected of committing an offence under the Act, to be seized.

Amendment 2, page 4, line 40, at end insert—

“7A An inspector may require that the owner of a wild animal may not destroy the animal unless with the permission of a qualified veterinarian.”

Philip Davies: It is a pleasure to see you in the Chair, Madam Deputy Speaker.

I know that we have three hours allocated for consideration, but I do not intend to detain the House for so long, Members will be relieved to learn. [HON. MEMBERS: “Hear, hear.”] That is one of the most popular things I have ever said in the Chamber. There is some important Back-Bench business to come and I am sure that we want to get on—

Simon Hoare (North Dorset) (Con): It has been pulled.

Philip Davies: That changes things. We are in business now. I do not, however, intend to detain the House for long, and I do not intend to press any of the new clauses or amendments to a Division as they are probing in nature. One of the points that I always make is that we should properly scrutinise legislation that comes before the House. Even when we have a Bill with a worthy title it is always important that we scrutinise the detail, because these are important matters. They are important for the circuses, and for the animals. They are clearly at the forefront of what the legislation is intended to protect, and therefore it is important to check that we are doing everything right.

The hon. Member for Plymouth, Sutton and Devonport (Luke Pollard) has also tabled some amendments, but I will concentrate on those I have tabled. In passing, I will say that some of the points he makes are worthy of

[Philip Davies]

consideration and I hope that the Minister will do so, even if he is not prepared to accept the amendments today. I hope that in the other place some proper scrutiny will be given, so I do not expect that we will have a ding-dong on these issues tonight.

I am a great admirer of the Minister and not just because of his time in Parliament: we used to work together at Asda many moons ago. Obviously, he was much more senior than I was, and far better at his job—that will not come as any surprise to anyone. We worked on projects together in our time at Asda, and he has taken his common-sense approach there into his ministerial responsibilities. It is great to see him in his place, and all I ask of him—he is a reasonable man—is that he goes away after the debate and considers all the new clauses and amendments to see whether the Government want to have another look at them when the Bill reaches the other place.

New clause 1 addresses the meaning of the term “wild animal”, and would add a more detailed definition to the Bill. The wording I have used mirrors that in the Wild Animals in Travelling Circuses (Scotland) Act 2018, and will thereby enable consistency around the UK. Simply falling into line with the law in Scotland has advantages in and of itself—as a Unionist, I think it is good and always a positive when we have the same laws in England and Wales as we have in Scotland—but more importantly it would provide more clarity to what is otherwise a rather vague description of a wild animal.

The Bill currently states simply that a

“‘wild animal’ means an animal of a kind which is not commonly domesticated in Great Britain”,

but the new clause delves deeper into what that actually means. Specifically, it would add an explanation of what a domesticated animal is, by stating that an animal

“is domesticated if the behaviour, life cycle or physiology...has been altered as a result of the breeding or living conditions of multiple generations of animals of that kind being under human control.”

It can reasonably be argued that many of the animals that currently reside in the two circuses to which the Bill will be relevant fit into that definition of a domesticated animal. Given that some of the animals are from the seventh generation of their line to be born into the circus environment, their very nature and general behaviour will be much altered compared with their native wild counterparts. Thus, the term “domesticated” would be made relevant to the specific animals, which should be at the forefront of our minds. That point often seems to be lost in debates on this subject.

For the specific animals we are talking about that are currently in these circuses, it would be more unkind to release them into what many would assume to be their natural habitat, because generations of living under human supervision will have left them without the traditional instincts and abilities necessary to survive in the wild. We describe these animals as wild when they quite clearly could not survive in the wild, and to that extent they are not wild animals. They do not have the traditional instincts and abilities required for them to survive in a habitat that is different from what they are currently accustomed to. They have no knowledge of anything different.

The whole point of new clause 1 is to get into the Bill a more sensible definition that applies to the particular animals involved. It seems to me to be bizarre that on the one hand we are talking about wild animals and on the other hand we are passing legislation for animals that could not be released into the wild. It is crazy. We want to stop genuinely wild animals being used in circuses—I certainly do; I have no objection to that at all—but the specific animals that are currently relevant are not really wild animals any more.

Like new clause 1, new clause 2 mirrors the provisions of the 2018 Act. If the House agrees to new clause 2, that will provide consistency in the law throughout the UK and more clarity on the definitions of relevant key terms. The Bill currently describes the definition of a circus operator and an officer, but new clause 2 would also define a travelling circus, which is a key part of the legislation, and the fact that it is not currently covered in the Bill, despite the title suggesting that it applies specifically to the circus industry, is not only concerning but leads to a lot of potential loopholes. Many forms of entertainment involve animal participation at their heart and I have heard people discussing their wish to use this legislation as a Trojan horse to affect other industries in which animals are trained.

Many forms of entertainment involve at their heart the participation of animals that have been trained and bred for a particular purpose. For example, I am very keen on the horse-racing industry. I am pretty sure, Madam Deputy Speaker, that at this point I should refer the House to my entry in the Register of Members’ Financial Interests. I am not sure whether there is anything relevant in there, but there may well be, so I do so just to be safe rather than sorry. The racing industry has animals that are trained for entertainment and that are bred for that purpose. I might add that they are particularly well looked after, as animal welfare is at the heart of everything that the racing industry does. Throughout the country we have zoos and falconry, and even the more obscure alpaca walking experiences.

My concern is that the Bill does not seem to provide a clear enough definition that separates the circus industry, which the title suggests it is specifically targeted at. As I referred to earlier, this issue has been dealt with in Scotland. New clause 2 would provide the clarity that the Bill needs to ensure that it will not blur any lines and to make sure that the legislation will not be used as a Trojan horse to affect other industries—including those I have mentioned, the greyhound industry and whatever else it might be—because other people might have some of those industries in their sights. I hope the Minister will reflect on these points and go away and look at the merits of the relevant legislation in Scotland to see whether we might wish to mirror it in England and Wales.

Amendment 1 would leave out subsection (5) of clause 1. In effect, it is consequential on new clauses 1 and 2, and would remove the current set of definitions of key terms to replace it with those that I want to introduce in new clause 2. Rather than anything more substantial, it would just tidy up after the other changes.

Amendment 2 states:

“An inspector may require that the owner of a wild animal may not destroy the animal unless with the permission of a qualified veterinarian.”

As I said at the start, as I see it the whole purpose of this Bill—the motivation behind it—is to protect the animals. We must not do anything that will have a negative impact on animals—we often see unforeseen and unintended consequences of legislation—so it is important to make it clear that the owner of the so-called wild animals covered by the legislation may not destroy an animal without a vet's permission. We cannot have a situation in which the animals cannot be used in a circus and are therefore put down. That would be completely unacceptable. I am not suggesting for a minute that that is the intention of the people who own the animals—absolutely not, and quite the reverse. I am not casting any aspersions on them at all, but it is important to have this safeguard in the Bill to make sure that we nail it down and prevent that from happening.

Amendment 2 would add to the list of powers that the inspector of travelling circuses will have. It would ensure that animals that will no longer be able to participate in any aspect of circus life will not be put down as a result of the legislation coming into force. As I said, that is not to suggest that the owners of the animals are likely to be so callous. The point is that if people suggest, as it seems they have, that what the circus owners do to these animals is cruel, why would those people, who have pressed for the legislation because they think that circus owners are cruel to the animals, then trust the circus owners to look after the animals when they are no longer able to use them in their circuses? Either these circus owners are cruel to the animals and therefore cannot be trusted to care particularly well for them in retirement, or they are not cruel, in which case I am not entirely sure why we are going down this route in the first place.

It seems to me that the argument that the Minister may well have is that, well, these people look after their animals really well. I think he has made it clear in the past—he will correct me if I am wrong—that there has never been any question about the welfare of the animals in these circuses. I am happy to be corrected by anybody, but as far as I am aware no one has suggested at any point that there has been any problem with the welfare of the animals. If there were problems, there are rules to deal with them. This is not about the welfare of these animals; no one has a question about that as far as I can see. It is about the principle of whether the animals should be used for this purpose, even though they have been bred and trained for it—they cannot be untrained obviously. They will not be used for any other purpose, and they will not be released into the wild, so what will be done with them? They will just live a life in retirement. My amendment is about making sure that they are able to enjoy a long and fulfilled retirement.

7 pm

Clearly, it would not be right to destroy an animal that is deemed fit and healthy by a vet simply because it has no further purpose within the circus industry—a lifestyle that, in many cases, it would not know from any other form—or because there is no alternative location for it to rehomed in following its seizure from the circus. I would be interested to hear what plans the Minister has to ensure the welfare of these animals in retirement if, for any reason, the circus owners and operators are not fulfilling their duty. Surely just banning these animals from being used in circuses cannot be an end in itself.

The end has to be that the animals are particularly well looked after in retirement. It is the animals that I am more interested in than the circuses.

Amendment 3 is a probing amendment that changes the date that the Act comes into force from 2020 to 2022. Basically, it will flag up whether the Minister thinks there is a case—if he does not, we would like to hear what he thinks—for delaying this Bill coming into force by extending it to January 2022. This would give time to the two current circuses that I think are in operation to make preparations and alternative arrangements for the animals. It would also give time for them to come up with an alternative business model. I am not entirely sure how important these animals are for the viability of the circuses—perhaps the Minister can shed some light on that. Given that the circuses have been acting completely within the law and given that everybody has made it clear that the welfare of the animals is not in question, it is clear, as far as anyone can see, that the circus operators have not done anything wrong. People may not agree with the use of animals in circuses, but given that it is allowed, and given that these circuses look after them well, it seems to me that the Government have just decided to do this despite the fact that it may well put circuses in a great deal of financial difficulty—it may not, I do not know.

I hope that the Minister will be able to enlighten me because I am sure that he has looked into this point. Of course we do not want circuses to suffer undue hardship because we want them to have the money to look after animals in retirement. We need them to be financially viable to make sure that the animals are properly looked after. It seems to me that there may well be a case for giving them an extra 18 months or two years to prepare for this and to have an alternative business model. They will also have the time to make sure that the animals are sufficiently cared for and provided for. The figure and the timescale are arbitrary. This is merely a probing amendment to tease out from the Minister why he thinks the timescales that are currently envisaged in the Bill are right. At the end of the day, we must make sure that we do not have the unintended consequence of the animals not being looked after properly because this Bill was rushed.

I think that that pretty much covers my amendments. I look forward to hearing from the shadow Minister because I am genuinely interested in his amendments and believe that there is some merit in them. If he does not mind my saying so, I am particularly keen on new clause 5, which would enable an animal that has been seized to be removed and cared for appropriately. That is a very good point, because, at the end of the day, this is all about the animals.

I hope that the Minister will consider these points in good faith and perhaps, in another place, think about whether he wants to support any amendments to the law, particularly to bring us closer in line with what has happened in Scotland.

Luke Pollard (Plymouth, Sutton and Devonport) (Lab/Co-op): I am glad that we have found parliamentary time in this otherwise packed parliamentary schedule for this really important Bill—because this is a really important Bill. The focus on it and the attendance in the Chamber today should not be taken as a lack of interest in this important area. There is cross-party

[Luke Pollard]

support for the Bill. I wish to put on record my thanks to the Minister for the way that he has led this Bill from the Government's point of view, genuinely listening to the concerns of the Opposition, and particularly the concerns of the stakeholders that we have been giving voice to.

There are currently 19 wild animals in circuses. It has been made clear by the evidence we heard in the Bill Committee that the British public do not want wild animals in circuses any more. They want to see wild animals out of circuses. That means that the six reindeers, four zebras, three camels, three racoons, one fox, which is still not for hunting, one macaw and one zebu need to be freed. In doing so, we send a strong message that our values as a country will be put into legislation. This effort was started 10 years ago by the then Labour Government who tried to bring in a ban on wild animals in circuses. Sadly—sadly for many reasons—the general election got in the way and that was thwarted. It has taken us nine years to get to the point where this legislation is being considered by the House of Commons and I am glad that it is.

Labour will support this Bill in principle today, but there are some aspects that we would like to see strengthened. The hon. Member for Shipley (Philip Davies) raised a number of those in his opening remarks for this debate. As soon as this Bill receives Royal Assent, there should be no new wild animals in our circuses in the country. We should send a clear message to circus owners and to the general public that once this Bill has passed, not only will wild animals be banned from 20 January 2020, but no new licences for wild animals will be given by the Government—that is one of the amendments that I will come to in a moment. It is important that we prevent a last hurrah for wild animals in circuses. This is not just about the camels, the zebu and the macaw, but about the risk that we get other wild animals—elephants, tigers, lions and other wild animals that we currently do not have in our circuses—being brought back for a last hurrah. I am talking about a PR stunt by circus operators—those with animals now and perhaps those without—to say that they will give one last push to show a tiger perform tricks, one last push to show a lion stand on its back legs and clap, and one last push for people to see horrendous displays. That is not something that the Opposition want, that the Government want, or that the British public want. That will be one of the amendments that I will come to in just a moment.

In travelling circuses, wild animals are carted from one venue to another, sometimes in cramped cages and barren trailers and are taught to perform wholly unnatural tricks, often through fear of punishment. There is unequivocal evidence that wild animals are not suited to the travelling life where they are denied even their most basic needs. Animal welfare groups and Labour Members are concerned that, without extending the powers of entry to the police and without a power to seize wild animals, the enforcement of this Bill will be much more challenging than it needs to be. While this Bill is being brought forward on ethical grounds, Labour believes that we still must champion the welfare of animals through its implementation. Without the powers of seizure it will not be possible to ensure that the welfare needs of these animals are fully met in the future.

Labour's new clause 4 would introduce a moratorium on issuing new licences and adding any new animals to current licences. The moratorium would come into force on the day the Act is passed to ensure that there is no last hurrah for wild animals in circuses. In Britain, we rightly think of ourselves as a nation of animal lovers, but we have to put that into practice because every wild animal matters. We are sadly chasing the pack, because 45 countries have already banned wild animals in circuses, and Britain is following in their wake. For our animal welfare policy to be a roaring success, we must claw back the ground lost to other countries. We must send a clear message that it is not only from January 2020 that we must ensure there are no wild animals in circuses; there must also be no new wild animals added to travelling circuses in the period between Parliament considering this legislation and its coming into full force.

People in England and the rest of the UK do not want to see wild animals performing in circuses. There is a strength of feeling that has only increased since the Labour Government consulted on the matter in 2009. I am grateful to the Minister for outlining in Committee DEFRA's latest consultation, which shows continuing and overwhelming support from the British people for banning wild animals in circuses. The interesting thing is that quite a lot of British people already think that there is a ban in place. They already believe that wild animals are no longer allowed to be used for entertainment in circuses, and that tigers, elephants and lions can only be seen in films set in Victorian times that recreate the circuses of old. But that is not necessarily the case. Wild animals can be used in circuses if the Government grant a licence.

The moratorium we are proposing is so important because it sends the message that there will be no new wild animals—no tigers, lions or elephants—appearing in our circuses. We need to put this idea into practice. I have spoken to the Minister and I hope that he will take seriously the concerns about the intervening period raised by the Opposition so that we can prevent a last hurrah. I am open to having a discussion with him about how best to take such a measure forward. There is overwhelming cross-party support for this measure and this is a genuinely non-partisan effort by stakeholders and the Opposition to ensure that no new wild animals can be put in circuses, and that is the spirit in which the new clause was tabled.

Without new clause 4, there is a possibility that new animals and new species could be introduced between now and the commencement date of the legislation on 20 January 2020. The only restriction in the current licensing arrangement is that the animals must be inspected, and found to be fit and healthy. Unless we make it clear in the Bill that introducing new animals will not be permitted, there will be nothing to prevent additional licences being granted so that wild animals can be taken on tour in the final few months of wild animals being allowed in circuses. I can imagine this being used as a public relations sell on posters up and down the country: "This is the final time to see a lion in our circus." We must send a clear message from this place today that that is not acceptable.

We cannot have any more big cats in circuses. We do not want any extra zebras or raccoons being brought into our circuses. The public would want the Government

to stop that from happening. Given that there is cross-party support for stopping such behaviour from 2020, the British public would not understand why we would allow more animals for a last hurrah before the legislation came into force. The public do not support wild animals in circuses, and there is strong agreement across the House that this measure should be put in place. I would be grateful if the Minister would look seriously at what can be done to ensure that there is no last hurrah. Under the current licensing arrangements, Thomas Chipperfield toured Wales and England with two lions and two tigers as recently as 2015. The longer that licences can still be issued, the greater the risk that animals could be brought back into circuses, and none of us wants to see that. New clause 4 would simply tidy up the legislation to ensure that that cannot happen.

If the Minister decides not to accept our new clause or to work with us on the issue, he will need to rely on the good will of circus operators. I do not doubt the passion of the circus operators we heard evidence from in Committee, who feel that they love their animals. I genuinely believe that they love their animals. However, the way to demonstrate that love is not to put them on show. There is a real risk that in the final hurrah—the last few months before the legislation comes into force—there will be an additional sell to try to get more people to buy seats in circus big tops to see the wild animals there. We should not accept that. There is no legal method that the Government could use to prevent licences from being issued if a licence application conformed to the existing rules. The only check is on the welfare of the animal, to ensure that it is being well looked after. If there can be wild animals in circuses under current arrangements, there could also be additional or replacement animals in circuses during the interim period under the current arrangements in this Bill. There must not be a last hurrah for wild animals in circuses.

7.15 pm

Amendment 4, which stands in my name, would extend the powers currently given to inspectors to police constables. Although the Bill provides for certain appointed inspectors to enforce the legislation, animal welfare groups have told us that these powers should be extended to police constables. This is already the case in the Wild Animals in Travelling Circuses (Scotland) Act 2018. Including this in the English legislation would not only ensure that there was minimal difference in enforcement across the UK, but facilitate a quick response to allegations of illegal animal use. Allowing police constables to enforce the Bill, alongside inspectors—we are not seeking to introduce a hierarchy as between police constables and the inspectors—would ensure that any breaches of the legislation were addressed in as timely a manner as possible.

As a minimum, the Opposition would like the Government to include in the guidance associated with the Bill that a police constable could be one of the individuals taken into premises by an inspector appointed by DEFRA under the Act, and that in these circumstances the officer would have the same powers as the inspector. Suitable specialists in wild animals could accompany officers where needed. Since the Ivory Act 2018 passed through Parliament recently and now the Wild Animals in Circuses Bill, there has been a renewed enthusiasm for the skills and expertise of the National Wildlife Crime Unit. I want to put on record my continuing

thanks for the work of this very small band of dedicated professionals, who look after animals across the UK. In many cases, it could well be this unit that would help to enforce parts of this legislation. Tidying up the Bill to include constables as well as inspectors could make a very big difference. It is essential for the police to have an explicit role to ensure the welfare of the wild animals. This should be made clear, ideally in the legislation itself; if not, it should be clarified in the accompanying guidance.

My new clause 5 and amendment 5 would ensure that if a wild animal was found being used in a travelling circus—in breach of the ban under this legislation—there would be an opportunity to remove the animal and for it to be cared for appropriately, rather than leaving it in situ. In Committee, we heard evidence from circus operators who said that in some circumstances they would continue to tour with their animals after the ban came into place, because they feared they could not leave the animals in any other environment. Although such actions may adhere to the letter of the law being proposed in this Bill, this could mean a risk of breaching the legislation through future use of the animals for entertainment purposes. In the event of a breach of the ban—in which case there is a risk of wild animals being subjected to continued cruelty by being held in small cages and environments that are not suitable for their continued care—new clause 5 and amendment 5 would ensure that the animals could be seized and appropriately rehomed.

When we were in Committee, I tweeted that I was sure that, as a nation of animal lovers, there would be plenty of people who would want to help rehome these wild animals. And, my word, plenty of people responded on social media. Indeed, the wildlife organisations that have been so good and professional in the advice they have given the Opposition have also said that they would welcome the opportunity to rehome any of the animals, should a home be required for them. I imagine that most people who care for the wellbeing of animals would want to know that the animals could be taken to a place of safety in the event of a breach.

The needs of animals in travelling circuses cannot be met if the animals remain in the travelling circus. We must have the proper mechanisms in place to enforce this legislation so that we can protect their welfare when it comes into effect. The Minister said in Committee that although he understood our concern that in some situations animals might need to be removed from the premises on safety or welfare grounds, such powers were already provided for in existing legislation, so our amendments were not necessary. We disagree with that assessment, which is why we have tabled them again today.

Sections 18 and 19 of the Animal Welfare Act 2006 enable seizure only when animals are in distress or suffering. The Minister's comments did not address the RSPCA's concern that there should be a specific power of seizure and rehoming of a circus animal, even if it is not in distress or suffering. That is important, because this Bill is being introduced on ethical grounds, not necessarily on animal welfare grounds. That distinction is really important. Especially if we are to address wild animals being used or transported in travelling circuses in future, we need to make sure that that works on ethical grounds as well as animal welfare grounds, in the spirit of this Bill.

If a wild animal found in a circus is not in distress or suffering at that moment, there is no power to intervene under the Animal Welfare Act, so the animal could not be seized or taken to a place of safety. We have heard from numerous animal welfare organisations how difficult it is to prove cruelty or suffering under the Act, and that this is even more difficult in the case of a circus that is moving from place to place with no published tour schedule, necessarily, beyond the immediate next performances. One of the reasons we would like police constables to have the same powers as inspectors is to help to solve this issue as well.

I hope that the Minister will respond positively to the issues that the Opposition have set out. At this stage of the consideration of the Bill, there is an opportunity to work further on the moratorium proposals to make sure that no new wild animals can be introduced into circuses. The Minister, as the consummate professional I know he is, would certainly be embarrassed if he had egg on his face as a result of more wild animal licences being applied for between now and the commencement date of this legislation. Introducing a moratorium not only makes good political sense but makes good welfare sense for the animals involved. If he could also set out his ambition to include constables either in the legislation or in the guidance, that would go a long way towards addressing the concerns that we have heard from stakeholders along the way.

In conclusion, I would like to draw on some of the words of Professor Stephen Harris, who was the expert commissioned by the Welsh Government to look into the welfare of wild animals in travelling circuses. His report, published in April 2016, provides strong evidence that wild animals in travelling circuses not only suffer poor welfare but do not have a “life worth living”. We need to make sure that all animals have a life worth living. If the Minister can look favourably on these amendments in the spirit in which they are tabled, we can move this Bill forward in a spirit of cross-party co-operation to ensure that there are no more wild animals in our circuses. We can have a future where those wild animals are able to enjoy themselves and live out the rest of their lives in more natural surroundings, and not forced to entertain for human pleasure in sometimes difficult and cruel environments.

Sir Mike Penning (Hemel Hempstead) (Con): It is a pleasure to speak at the Report stage of this Bill. I apologise to the House that I was not able to speak on Second Reading. That is probably why I was not invited to serve on the Bill Committee. For me, this is, exactly as the hon. Member for Plymouth, Sutton and Devonport (Luke Pollard) said, an ethical question. It is not about animal welfare, although there are some real animal welfare issues, as we have seen over the years in fly-on-the-wall documentaries and other reports of animals being abused and kept captive.

There are two major parts of this Bill where the Minister should listen to the proposals in the Opposition amendments as well as in the amendments tabled by my hon. Friend the Member for Shipley (Philip Davies). As a former Policing Minister, I know that the police will not want an officer to be the sole person with the knowledge to go in and carry out this activity. Let us put that on the record now—they would not want to do that. There is a completely different reaction from members

of the public, whether they are running a circus or any other organisation, to an inspector arriving and to an officer of the constabulary arriving, particularly together. That is the sort of reaction that we need to have.

The excellent National Wildlife Crime Unit, which was also under my portfolio, is a small unit, and it might well need some extra resources if it were to take this duty on in general. The principle of that unit means that it is exactly where the power should come from. That should be addressed within the guidance, as it is probably easier for it to be done in that way. This applies to the 43 authorities in England and Wales. Scotland already has legislation just like this Bill. My hon. Friend the Member for Shipley was just telling me that it was actually better, in principle, and we are trying to make this Bill better through some of the lessons that have been learned there.

I absolutely agree that no new animals at all should be allowed into circuses in this interim period. We are trying to go with public opinion, which has changed over the years. My eldest daughter is now 30 years of age.

Philip Davies: Never! She doesn't look old enough.

Sir Mike Penning: She does not look 30 years of age, as my hon. Friend comments. She said to me when she was about 11 years of age, “Daddy, I'm going to be taken to a zoo by the school, and I don't want to do that. I don't want to see animals in cages.” We have never gone to a zoo and never gone to a circus that has had live animals. My youngest daughter is 28 and my eldest daughter is 30. My eldest daughter is now a marine biologist, so the House can probably realise where I am coming from on this. If we are going to make a law that says that we are banning live animals in circuses, let us do that for them, and for the public. If there are animal welfare issues, that can be picked up, but actually over the years it has not been, which is why we are going to ban it ethically now.

Should the animals be taken if they are found in this situation? This is a really difficult grey area that the Minister is going to have to address. Why would someone travel with an animal if they have not been training it and using it? Why would they keep it in its winter quarters when perhaps there are better types of quarters that it could be kept in? If it is travelling, why would they do that if they are not using it within a circus production? I hope that there can be an accommodation in this Bill—whether in this House, around guidance, or as it proceeds to the other House, which will also understand that the public are with us on this—whereby we can do what it says on the tin. This Bill says that we are going to ban live animals in circuses—we are going to protect those animals should they be in a circus.

There will be loads of good will out there regarding these animals. The hon. Member for Plymouth, Sutton and Devonport said that he tweeted out about this—yes, but they have to go to the right place. We are talking about myriad different types of animal that are used within circuses. It is really important that these animals go to a place of expertise to be looked after, because a lot of them may well have been through very stressful procedures. They may have been in a circus nearly all their life and then they are taken to a completely different environment. That takes a degree of professionalism and expertise. That has to be addressed

in terms of payment, which should come from the circus, as they are the people who are responsible for these animals. They can be passionate about them. I have heard some of the debates in public over the years where they have said, “We love these animals.” I do not doubt that, but we need to say, “If we have a situation where we are going to have to remove animals from you, as an organisation, then it is not right for the taxpayer or a charity to pick up that tab—it is your job.” We need to consider how we can move that forward within the guidance. Perhaps the other House will debate this for a little bit longer.

We are trying, on principle, cross-party and as a nation, to get the animal rights part of this right. My kids—our kids—are driving this forward. It is like the environmental arguments that are going on out there at the moment. They are right, because it is their future, not our future. I have been lucky enough to be in Kenya with the military and have been in most of the safari parks. Seeing an animal in its natural environment coming down to the water hole in the evening because that is what it naturally does is an absolutely moving thing, not like seeing an elephant standing on its back legs in a circus, which is very damaging for the animal.

The House should be very proud of bringing this legislation forward. I would disagree only slightly with the hon. Member for Plymouth, Sutton and Devonport on one thing. The previous Labour Administration had a huge majority—an absolutely enormous majority. They could have got whatever legislation they wanted through this House at any time during that period, but it is a Conservative Government who have brought this through. I am very proud of that, but it should have been brought in years and years ago.

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (David Rutley): It is an honour to participate in the debate, and I welcome the genuine cross-party spirit. We are good friends on these issues, and it is good to hear well-informed, well-thought-through opinions, which will add to what we are taking forward. I congratulate the hon. Member for Plymouth, Sutton and Devonport (Luke Pollard) on setting out his concerns so clearly. We have spoken outside the Chamber, to facilitate further discussions, which shows the cross-party approach we are taking.

Animal welfare is a vital issue for everybody in the Chamber. All Members here have played an important role in trying to secure debates and take forward legislation on this issue. It is time to stop the outdated practice of wild animals performing or being exhibited in circuses. I will go into some technical details, but I think we all agree that we need to move in that direction.

7.30 pm

I will start with new clause 1, new clause 2 and amendment 1, tabled by my hon. Friend the Member for Shipley (Philip Davies). I have known him for a very long time. He is an extraordinary orator and a scrutineer extraordinaire—I am not very good at French, as Members can tell. I have enjoyed working with him in various roles. He got to this place well before me and has made a remarkable and important contribution.

Most of new clause 1 replicates definitions already contained in the Bill. The exception is subsection (2), which would introduce an explanation of the term “domesticated”. I understand the perceived need for

clarity, especially given the time spent in Committee on the issue of domestication, and particularly the distinction between exotic and wild animals. My hon. Friend missed some of that debate, but I assure him that we had a detailed debate about those issues.

The Bill mirrors the approach taken in other pieces of English legislation, particularly the Zoo Licensing Act 1981 and the Welfare of Wild Animals in Travelling Circuses (England) Regulations 2012, and consistency with the regulations is particularly important. Changing our approach opens the door to arguments about inconsistency, and in particular whether animals that can currently only be used in circuses under licence are the same animals subjected to this ban.

The definition of “wild animal” was debated at length on Second Reading, as I am sure Members are aware. For the purpose of the Bill, “wild animal” means an animal of a kind that is not commonly domesticated in Great Britain. I would like to reiterate for the sake of clarity that domestication is a genetic selection process across a significant population of animals for specific traits, often over hundreds or thousands of years. This selection process results in clear physical and behavioural changes from the original wild type. If an individual animal of a wild species has been tamed, that does not mean it falls outwith the definition of “wild animal”. As my hon. Friend the Member for Shipley indicated, wild animals in circuses will most likely be tamed, and they have usually been bred for a number of generations within the circus environment. However, individual or groups of tame wild circus animals are still wild animals for the purposes of the Bill. As I said, the term “wild animal” is already well established in English legislation, and welfare groups are content that it will cover the animals that we all want to see banned.

I promised in Committee to explain what we mean by “travelling circus” in guidance to the legislation. Should it be necessary, we can provide advice on what is or is not a wild animal in guidance. An example already exists in the form of the Secretary of State’s standards of modern zoo practice, which define what is not normally domesticated. For all those reasons, we do not feel that it is necessary or desirable to elaborate on the term “domesticated” in the Bill. I know that my hon. Friend is not pressing his new clause to a vote, and I urge him to withdraw it, as the question of domestication can be dealt with elsewhere.

Most of new clause 2 replicates definitions already contained in the Bill. In addition, it would add a definition of “travelling circus” to the Bill. The desirability of defining “circus” and “travelling circus” has been debated on Second Reading and in detail in Committee. We have chosen to let the term take its common meaning, which a court will be able to interpret. As I said previously, we are concerned that setting out a specific definition of “circus” might be counterproductive. We have considered a number of definitions, none of which is ideal. If the definition is drawn too widely, it captures activities that we do not intend to ban, such as falconry displays, which we talked about at length in Committee, with accompanying entertainers who might travel from place to place. Conversely, a definition that is drawn too narrowly, by stipulating what features might make up a circus, would allow a circus operator to simply avoid the ban altogether. There are therefore challenges either way.

We believe that, rather than trying to define the term, it is better for the courts to use its common meaning. It has been mentioned that the Scottish Government chose to define “travelling circus” in their circus legislation. We have chosen not to adopt that approach, because it is not clear what the definition of “travelling circus” in the new clause, which is replicated from the Scottish legislation, achieves beyond the current definition, since it goes without saying that a travelling circus is “a circus which travels”. We note that the Scottish legislation does not define the term “circus”.

We have committed to producing detailed guidance—I think that those on the Opposition Front Bench would agree with this—in consultation with welfare groups and police on what activities the Bill will or will not ban. The Government maintain that that is the best place to provide any necessary detail. I spoke with welfare groups during and after the evidence session, and they clearly believe that this is adequate. We are keen to involve them in the drafting of the guidance.

Amendment 1 is a consequential amendment that seeks to remove the definitions provided in the Bill. We believe that the definitions as drafted are appropriate. As I said, we will produce guidance to accompany the Act, explaining what activities are covered by the ban. On those grounds, I hope my hon. Friend feels that those issues have been adequately covered.

I turn to the enforcement powers in the Bill. New clause 5 and amendment 5, tabled by the hon. Member for Plymouth, Sutton and Devonport, seek to provide inspectors with powers to seize animals and to make alternative arrangements for their care. These amendments were considered in Committee—I remember the discussions well, as I am sure he does—and, as I explained then, we do not consider them to be necessary or proportionate, but let us take the argument through, and hopefully we will come to some agreement.

The powers of inspection in the Bill ensure that inspectors are able to investigate potential offences properly. They include powers to enter premises, to examine animals, to seize objects and to video or photograph animals. It would never be necessary to seize an animal to prove that an offence had been committed, so these powers are not needed for that purpose. Where there are concerns that animals need to be removed from premises on the grounds of welfare or safety, those powers already exist in other legislation.

As I have explained previously, under the Animal Welfare Act 2006 an inspector may seize an animal if it is suffering or is likely to suffer if its circumstances do not change. If someone is convicted of either causing unnecessary suffering to an animal or failing to provide for its welfare needs, the courts also have a power to disqualify them from owning or keeping animals.

Liz Twist (Blaydon) (Lab): There is concern about using two different bits of legislation to solve one problem. Would it not be clearer to cover this issue in the Bill, rather than relying on the Animal Welfare Act?

David Rutley: That is an interesting point. It is difficult to get the balance right, but the key thing to remember is that we are discussing an outdated practice that we want to see removed on ethical grounds. Seizure is much easier where there are genuine welfare concerns—I will explain why in more detail—and those powers are contained in the 2006 Act.

If the animal is subject to the Dangerous Wild Animals Act 1976—of those animals currently kept in circuses, only camels and zebras are subject—it may be seized if it is being kept without a licence or if a licensing condition is being breached. There is no need to replicate those powers here. In Committee, concern was raised about repeated breaches of the Act. The courts would have the power to impose unlimited fines, which makes it highly unlikely that a circus would continue to reoffend, for economic reasons.

Powers to seize animals interfere with the peaceful enjoyment of possessions, which is protected by article 1 of protocol 1 to the European convention on human rights. Interferences must be justified and proportionate. That may be easy to do if an owner is mistreating an animal and the powers are being exercised under the Animal Welfare Act, which is the point I was trying to make earlier. However, the objective of this legislation is simply, but importantly, to prevent the use of wild animals in circuses on ethical grounds. Preventing someone from using animals for other purposes, which is what the seizure and deprivation powers do, goes beyond what is necessary to achieve the objectives of the Bill.

Alex Sobel (Leeds North West) (Lab/Co-op): I would like some reassurance from the Minister about a circus that operates in my constituency—Circus Mondao—which has a zebra and two camels. I have been campaigning for it to cease the use of these, and I ask that the Bill cover that so that I can happily go to Circus Mondao in the knowledge that, because of this Act, it is not using wild animals.

David Rutley: The hon. Gentleman sets things out incredibly clearly, as he has done on others Bills I have been involved in. Absolutely—I can categorically say that, at commencement of this Act, those practices will no longer be able to be taken forward, so his campaign will have come to fruition. I hope that reassures him.

Amendment 4 seeks to extend the enforcement powers in the Bill to police constables. A few points have been made, not the least of which were those made by my right hon. Friend the Member for Hemel Hempstead (Sir Mike Penning), who is passionate about many things, including these issues. I always have a soft spot for Hemel Hempstead because that was where one of my sons was born. We are all talking about our children today.

Dr David Drew (Stroud) (Lab/Co-op): You just put them in a circus then.

David Rutley: I do not know how to take that comment. I think I will move on.

Again, we do not feel that the amendment is necessary if an animal is in distress, when the Animal Welfare Act 2006 already provides powers for the police to respond quickly. The offence we are talking about—a ban on use on ethical grounds; let us keep that in the front of our minds—does not require such an urgent response. It does require a response, but it does not have the same immediacy. It can happen only in the context of a public performance, which will of course take place in a public place. If a travelling circus wanted to break the law, it would have to do so in front of an audience. An inspector could be at the circus in sufficient time, and the schedule provides powers to search for evidence.

As outlined in the schedule, that includes questioning any person on the premises, taking samples and taking copies of documents. Indeed, inspectors can seize anything, except an animal, found on the premises that they reasonably believe to be evidence of the offence in clause 1.

We do not believe it necessary to extend these powers to the police. DEFRA has approximately 50 circus and zoo licensing inspectors, who are qualified and experienced in identifying and, if need be, handling species of wild animals. In fact, in Committee, my hon. Friend the Member for Truro and Falmouth (Sarah Newton) made the point that we do have the expertise, and I think it is best to get qualified veterinarians or people with extensive experience of working with captive animals to take care of this work. Few, if any, constables would have that level of knowledge, as my right hon. Friend the Member for Hemel Hempstead pointed out.

In the rare cases where a police presence is needed, as I explained in Committee, the Bill also provides powers for an inspector to take up to two other people with them on an inspection. These could include a police constable, who would be able to exercise, under the supervision of the inspector, the powers of inspection provided in the Bill. Let me assure the hon. Member for Plymouth, Sutton and Devonport and other hon. Members that the guidance DEFRA will issue will also make it clear that police constables are able to accompany inspectors during the inspection, and I have also set that out to him in writing. I hope that gives him and other Members a greater degree of assurance that the police will be able to play a role, as required.

Luke Pollard: Will the Minister go into slightly more detail about where the guidance will land on that point? Will the police constable be one of the two people who can accompany an inspector, or will that be in addition to those two people, since there may be very good reasons why certain specialists are required for certain animals?

David Rutley: That is a good question, and we will take a closer look at that. At this stage, it would be one of the two people, but that is something we can take a closer look at.

I accept the point that has previously been raised that the Scottish Act provides powers for police constables to enforce the legislation. The Scottish guidance states:

“Although constables are provided powers for enforcement, it is expected that it will primarily be Local Authorities that will enforce the Act as part of other responsibilities relevant to travelling circuses.”

Even under the Scottish Act, the police are not seen as the primary inspection force.

Since Committee, DEFRA officials have discussed enforcement of the Bill with the chief constable of Hertfordshire constabulary, Charlie Hall, who is the national policing lead on animal matters. The view of the police is that while they would of course support DEFRA-appointed inspectors, should this be required, they do not want to take on the additional responsibility of being the primary enforcer of what is a very specialist area of business. They see their role as being one of support in keeping the peace when necessary to enable inspectors to conduct the work provided for in the Bill.

Mention has been made of the National Wildlife Crime Unit, and we certainly respect its contributions, but we are concerned here with an offence involving captive wild animals, not wildlife crime, so it is unlikely that that group will have a primary role in inspection. That will be for the other inspectors we have talked about.

7.45 pm

Sir Mike Penning: There could be a situation in which a wild animal has been inappropriately brought into a circus. We are not talking about everything coming from Africa or Asia; it could, for instance, be a wild animal from the UK, or one illegally imported. There are people who have that area of experience, and all we are asking for in the guidance is that they should be appropriately contacted and their expertise used, should that be needed.

David Rutley: I think that is a perfectly fair point, but the point I am trying to make, to reassure colleagues, is that we have 50 inspectors who are well trained to take care of this. Of course, we would get the police involved at the right time, and we will put that in guidance. We can anticipate that there may be circumstances in which we need to get the National Wildlife Crime Unit involved, and we will set that out as appropriate. Again, I hope that the points I have made give sufficient reassurances to hon. Members, and that the hon. Member for Plymouth, Sutton and Devonport feels that he need not press amendment 4.

I turn to amendment 2, tabled by my hon. Friend the Member for Shipley. He seeks to prevent circus operators from euthanising their wild animals, which is something we all want to be avoided, unless they have permission from a qualified vet. Again, I assure him that these issues were raised directly with the circuses during the evidence session. I understand the sentiment behind the amendment, but we have not seen any evidence that current circus operators would seek to euthanise their animals. Indeed, the two remaining circuses have assured us that they would not do so. In oral evidence during the Bill's Committee stages, Peter Jolly senior was clear that:

“I would change my business to something else, but the animals would stop with me.”—[*Official Report, Wild Animals in Circuses (No. 2) Public Bill Committee*, 21 May 2019; c. 42, Q107.]

Carol MacManus suggested that the other circus, Circus Mondao, was considering either rehoming its wild animals or keeping them at winter quarters with people to supervise the animals

“because we would have to look after the animals.”—[*Official Report, Wild Animals in Circuses (No. 2) Public Bill Committee*, 21 May 2019; c. 50, Q152.]

They are concerned about their animals and consider them to be part of their family.

I would also point out that, in practice, the amendment would unfairly target circus operators by requiring them to obtain permission from a veterinarian to have an animal euthanised. No such legal requirement exists for pet owners or other owners of working animals who operate a business. As we have discussed, we do not need to seize an animal under the Bill to prove that an offence of using a wild animal in a travelling circus has been committed. The other thing it is important to set out to my hon. Friend is that retirement plans are in

[David Rutley]

place for these wild animals, and the Animal Welfare Act will of course continue to apply to protect these animals. Once again, I hope that the points I have made will give reassurances to my hon. Friends and to Opposition Members.

New clause 4, as set out by the hon. Member for Plymouth, Sutton and Devonport, aims to prevent new animals from being added to existing licences and to prevent new licences from being passed, and amendment 3, tabled by my hon. Friend the Member for Shipley, seeks to allow the circuses two more years on their existing licences. We do not believe new clause 4 is necessary, although I understand what the hon. Member for Plymouth, Sutton and Devonport is seeking to achieve with his amendment—to mitigate the risk of additional wild animals being brought into travelling circuses between Royal Assent and the Bill coming into force on 20 January 2020. New clause 4 appears to be intended to come into force on Royal Assent; I think that is the intention. By convention, there is a strong presumption against commencing any earlier than two months after Royal Assent, because the public are entitled to be given a reasonable period of time to adapt to a change in the law and to reorganise their affairs in response to it. It would be highly unusual to commence a clause such as this on Royal Assent.

Paragraph (a) of new clause 4 seeks to prevent new licences from being issued after the Bill has passed, so it would apply only to new travelling circuses or existing ones that currently do not use wild animals in their performances. If a travelling circus wished to start using wild animals before the end of the current touring season, typically at the end of October—for those who have not been part of this debate, circuses would not continue until 20 January, because they normally stop performing at the end of October—it could technically have a last hurrah, and the hon. Gentleman has made that point with conviction. However, it would have to apply for a licence as soon as the Bill was published to maximise the revenue it would want to get. I reassure hon. Members that DEFRA has received no inquiries from anyone regarding even the possibility of an application for a new licence.

If, however, a new circus decided to apply for a licence, say, next week, DEFRA's application takes a minimum of six weeks, and for a new circus unfamiliar with the demands of our licensing regime, it could take considerably longer for an application to be determined. Both current licensed circuses, when they first applied for a licence, needed to be inspected twice before their licence was awarded, and those inspections took place at winter quarters, which is an easier place to conduct an inspection; even then, both applications took two months to be approved. Even if a circus were to submit an application for a licence next week, it would be able to use its wild animals for, at most, 14 weeks or three months before the end of the current touring season.

Luke Pollard: That is quite a long time.

David Rutley: The hon. Gentleman says that is quite a long period. It is long enough to take what he is saying seriously. We understand his arguments, but for the sake of completeness, I want everyone to understand the processes.

Paragraph (b) of the new clause would affect circuses already licensed by DEFRA. The two licensed circuses still using wild animals have not said that they have any plans to add further wild animals. Given that a ban will be in place before the next touring season, it would make little economic sense for them to invest in new trained animals or equipment now, and significant changes to a performance require planning, which would usually happen when the circus is at winter quarters, from late October onward. Also, in the unlikely event that a circus sought to add a wild animal to an existing licence, the proposed moratorium would not prevent that from happening between now and the moratorium coming into effect.

I assure the House that that is a highly unlikely scenario. The current 2012 licensing regime would safeguard the animal's welfare. Existing licence conditions require circuses to provide DEFRA with at least two weeks' notice of their intention to add a wild animal to their circus, and inspection would follow as soon as possible after the animal's arrival in the circus. The Government accept that that leaves open the possibility—albeit a very small one—that new animals could be used in travelling circuses for a maximum of 14 or 16 weeks, or just over three and a half months, if the licence application was submitted and approved, unless the proposed early moratorium comes into effect. Although we have had no indication that any circus in the UK would try to make use of such a gap, I understand the concerns expressed by the hon. Member for Plymouth, Sutton and Devonport and my right hon. Friend the Member for Hemel Hempstead. I will take the matter away and, ahead of Committee stage in the Lords, consider how best we can ensure that no new wild animals are used in travelling circuses by the time the ban comes into force on 20 January 2020.

On amendment 3, tabled by my hon. Friend the Member for Shipley, we believe that circuses have had enough time to plan for the ban. He suggested, I think probingly, that the decision has only just been made; in fact, the legislation has been long in gestation, and the general feeling is that it would have been better had it been introduced sooner. I think we all share that view. It has been difficult to get parliamentary time. Circuses have had six and a half years to prepare, ever since the introduction of the licensing regulations, which contain a sunset clause that made it clear that the ban would be in place by January 2020. We do not believe, therefore, that the amendment is necessary.

The Government have always been clear that the licensing regulations were an interim measure only. It is important to highlight that licences must be renewed every year, and in February last year we reaffirmed that any license issued to circuses this year would be the last, because a ban would be in place by the time the interim regulations expired on 20 January 2020. The coming into force date of the Bill aligns with the expiry date of the regulations, which means that the two circuses will be able to update and plan their routines for next year while they are not on tour, as the majority of circuses would do anyway.

It should not be too difficult for the circuses to replace the wild animal elements of their shows. DEFRA has been inspecting these circuses at least three times a year for the last six and a half years. Our inspections show that the animals, where they are used, are used for

only about five to ten minutes as part of a two-hour show. As long as the ban comes into force during the winter season, which has always been the Government's intention, we believe that the two circuses have enough time to adjust their routines. Indeed, there are about 25 circuses in the UK and Ireland that do not use wild animals in their show, and they operate successfully. They show what can be done. To reassure my hon. Friend further, comparisons with ticket prices in other travelling circuses that do not use wild animals do not show a premium for seeing or involving wild animals.

I should add that the amendment does not reflect the fact that the interim licensing regulations expire next January. The amendment would therefore permit wild animals to be used in travelling circuses for two years—that is, to 2022—with a much lower level of scrutiny than they have been subjected to for the last seven years. In those circumstances, I would certainly share the concerns about more wild animals being introduced into travelling circuses. A two-year moratorium, with no DEFRA licence required at all, could well lead to more wild animals being used in travelling circuses. That is not something this Government would agree to.

I hope I have made it clear why the Government believe that next January is an appropriate date for the ban to come into force, and that hon. Members in all parts of the House are reassured by my comments. I hope my hon. Friend feels that it would be best were he not to press his amendment.

Philip Davies: I thank the Minister for an extremely thorough response to the amendments tabled by me and the shadow Minister, the hon. Member for Plymouth, Sutton and Devonport (Luke Pollard). People will now see why I speak so highly of my hon. Friend, not just in his time as a Minister but in his time at Asda. His courteous, serious and thorough treatment of all the amendments does him credit and shows why he is such a fantastic Minister, and I am grateful to him. I am pretty sure that he will discuss these matters further with the shadow Minister and me before the Bill goes to the Lords.

As the Scottish National party Chief Whip, the hon. Member for Glasgow North (Patrick Grady), is present, I should restate my view that the law introduced by the Scottish Government is better than the Bill we are dealing with, but I have heard the Minister's response and, based on that, I beg to ask leave to withdraw the new clause.

Clause, by leave, withdrawn.

Madam Deputy Speaker (Dame Rosie Winterton): Consideration completed. As the Bill has not been amended since its introduction, Standing Order No. 83L does not apply and I do not need to suspend the House to reconsider the Bill.

I remind the House that on Second Reading the Speaker certified that clauses 1 and 2 and the schedule relate exclusively to England on matters within devolved legislative competence. Under Standing Order No. 83M, a consent motion is therefore required for the Bill to proceed. Copies of the motion are being made available in the Vote Office and on the parliamentary website, and have been made available to Members in the Chamber.

Does the Minister intend to move the consent motion?

David Rutley indicated assent.

The House forthwith resolved itself into the Legislative Grand Committee (England) (Standing Order No. 83M(3)).

[DAME ELEANOR LAING in the Chair]

7.59 pm

The First Deputy Chairman of Ways and Means (Dame Eleanor Laing): I remind hon. Members that, if there is a Division, only Members representing constituencies in England may vote. I call the Minister to move the consent motion.

Motion made, and Question proposed,

That the Committee consents to the following certified clauses of, and Schedule to, the Wild Animals in Circuses (No. 2) Bill—

Clauses and Schedules certified under SO No. 83J(1)(h) as relating exclusively to England and being within devolved legislative competence

Clauses 1 and 2 of, and the Schedule to, the Bill (Bill 385).—
(David Rutley.)

Patrick Grady (Glasgow North) (SNP): It is a pleasure to speak very briefly. The SNP is quite happy to support the Bill. As the hon. Member for Shipley (Philip Davies) said in the full House of Commons 30 seconds or so ago, this law has been enacted by the Scottish Parliament and already applies. I am grateful to hear him think that it is more substantial than the proposed legislation we are passing today.

We are currently not in the House of Commons but the English Parliament, the Legislative Grand Committee (England), and only for England because of the consequential disapplication of some of the Bill to Wales by dint of a clause. It has only taken me most of the afternoon to try to read through it to figure out exactly where the different extents apply.

I was keen to make sure I was here in the absence of my hon. Friends the Members for Perth and North Perthshire (Pete Wishart) and for Glasgow East (David Linden), who usually make sure that the EVEL—English votes for English laws—stages do not go completely unnoticed in *Hansard* and by the riveted watching public. One day—perhaps today is the day and the hon. Member for Shipley will speak—Members from England and Wales will participate in the Legislative Grand Committee and justify the colossal waste of time and money that has been spent on establishing the EVEL procedure. We wait, perhaps still unfulfilled, for that day to come.

The First Deputy Chairman: I look around expectantly and discover that nobody wishes to catch my eye.

Question agreed to.

The occupant of the Chair left the Chair to report the decision of the Committee (Standing Order No. 83M(6)).

The Deputy Speaker resumed the Chair; decision reported.

Third Reading

8.2 pm

David Rutley: I beg to move, That the Bill be now read the Third time.

I am pleased to move the motion for the Third Reading of this short but very important Bill. It is a Bill with a very simple purpose: to ban the outdated practice of using wild animals for performance or exhibition in travelling circuses. The Bill addresses important ethical concerns about the way we use and perceive

[David Rutley]

wild animals in the 21st century. This country is rightly proud of its place in the world for the protection and care of animals. Our regard and respect for wild animals, and our sense of their intrinsic value, are now much more important to us than allowing them to be used for entertainment.

The Government's belief, which I hope is widely shared by many in this House, is that travelling circuses are not the right place to experience or learn about wild animals. Frankly, circuses do not need to use wild animals. Most circuses have been thriving without the use of wild animals for a long time now. The continued use of wild animals in travelling circuses, often performing demeaning routines for our amusement, sends completely the wrong message about the value and respect we should accord them. The Government's view is that the very notion of inducing wild animals to perform tricks in a circus setting is well past its sell-by date and should now stop.

The Bill fulfils a long-term commitment. I once again pay tribute to those hon. Members on both sides of the House who have sought to take it forward as a private Member's Bill, including my hon. Friends the Members for Colchester (Will Quince), for Torbay (Kevin Foster) and for Copeland (Trudy Harrison), and my hon. Friend the Member for The Wrekin (Mark Pritchard), who took this important issue forward initially, for his advocacy and support.

I also wish to thank hon. Members who have contributed to today's debates and throughout the proceedings in this House, as well as the members of the Public Bill Committee and the expert witnesses, including those who submitted written evidence for their consideration on the Bill. I am grateful for the constructive engagement by representatives from animal welfare non-governmental organisations, especially in their willingness to help to draft the guidance that I have committed the Department for Environment, Food and Rural Affairs to producing when the Act comes into force.

I extend my thanks to my hard-working and long-suffering Bill team, my private office, the parliamentary private secretaries, the Whips on both sides and, of course, the Clerks for their work and support on this issue. I thank those on the Opposition Front Bench for the constructive way in which they have taken the Bill forward and most of the other proposed legislation we have been working on over previous weeks.

It is an honour to take the Bill forward. It has had such overwhelming support from all parties, the public and animal welfare organisations from Second Reading through to today. We are committed to enhancing our well-deserved worldwide reputation for caring for animals after we leave the EU. This ban is another important measure to protect and improve the lives of animals, from strengthening the protection of service animals through Finn's law, to ensuring puppies and kittens are no longer sold by unscrupulous third-party sellers—we will have more of that tomorrow—and combating the illegal wildlife trade. We are grateful for the continued support of colleagues across the House for our efforts to protect animals and to ensure a sustainable future for our shared planet. I wish the Bill safe and speedy passage through its remaining stages in the other place.

8.6 pm

Sandy Martin (Ipswich) (Lab): I thank all those right hon. and hon. Members whose persistence has led to the Bill coming before us today: in particular, my right hon. Friend the Member for Leeds Central (Hilary Benn), who as Secretary of State at the time promoted the initial consultation; Thomas Docherty, the previous Member for Dunfermline and West Fife; my hon. Friend the Member for Poplar and Limehouse (Jim Fitzpatrick); the hon. Members for Colchester (Will Quince), for Torbay (Kevin Foster) and for Copeland (Trudy Harrison); my hon. Friend the Member for Workington (Sue Hayman); and the right hon. Member for Hemel Hempstead (Sir Mike Penning), who made the very powerful point that it is important for the public perception of the force of law that the police should have at least equal powers to inspectors in the enforcement of the Bill. Of course, we have all been ably assisted by the officers who have prepared the Bill.

There is overwhelming popular support across the country for the Bill, with 94% supporting a total ban on wild animals in circuses in the 2009 consultation. There is almost unanimous cross-party support shown by the hon. Members from across the House, who have not just signalled their support but have pushed over a 10-year period for this Bill to come before us. As a newcomer to this House I do think there is an issue with the length of time it has taken for various uncontroversial Bills to make it into law.

We can be pleased that the Bill has now been taken on by the Government and should indeed make it into law, but there is other outstanding legislation that has still not come before us. In this context, I want to mention the need for an animal cruelty sentencing Bill, the absence of which has been a bone of contention for the last three years, despite the best efforts of the Environment, Food and Rural Affairs Committee, the Royal Society for the Prevention of Cruelty to Animals, other campaigning organisations, various hon. Members and despite the Secretary of State assuring us that the Government would introduce one as quickly as possible.

We have supported the Bill all along and will obviously support it today. We have had assurances from the Minister that there is no added danger of a "last hurrah" of additional wild animals being introduced to circuses in this country in the remaining time between now and January of next year. In this context, it is sensible that the hon. Member for Shipley withdrew his amendment, as the opportunity for a last hurrah would be enormous in the additional two-year period that that amendment would have afforded. I expect many of us have been lobbied, as I have, by Martin Lacey of Circus Krone and invited to visit his circus in Munich. Mr Lacey also took the trouble to travel to this country to make the case for his big cats circus, and I feel sure that he would want to take advantage of a two-year grace period to bring his lions and tigers to perform in this country if he were able to do so.

The Minister also assured us that the definition of travelling circus, and the protection and welfare of any animals that were found to be in contravention of the Bill, would be adequately covered by guidance. We believe that the Minister is perfectly sincere in these assurances, but we still maintain that it would be preferable to have these things acknowledged on the face of the Bill.

We have the Bill before us because it was made clear that the existing Animal Welfare Act could not be used to ban wild animals in circuses. The test for welfare under that Act would not be clear enough to end the practice of transporting animals to perform for the amusement of the public, but there is a higher test: the respect we have for our fellow creatures. The Bill is but one step in showing that respect, but it is an important one.

Visiting animals in their natural habitat and seeing them living the lives that they would naturally want to live is uplifting and educational. Watching them jump or climb on to bits of furniture, or even on to each other, and contort themselves into unnatural postures is neither educational nor respectful. It is well past time that we should end the use of wild animals in circuses and we are pleased to support the Bill.

8.10 pm

Sir Roger Gale (North Thanet) (Con): I could possibly have tested your patience by making an overlong intervention on the Minister, Madam Deputy Speaker, but rather than do that I thought I would make a brief observation now.

I think I am right to say that on Report the Minister said that the Bill had been six and a half years in preparation. In fact, it was in 1997 that, as the then chairman of the all-party animal welfare group, I presented to the incoming Minister of State at the Home Office in Mr Blair's Government—who, I think I am right in saying, was the now right hon. Member for Knowsley (Mr Howarth)—the group's report on performing animals in circuses. It is comforting to know that matters in this place move so swiftly and that it has taken only 22 years for these measures to reach the statute book.

The fact is that the persistence of colleagues on both sides of the House of Commons has driven us to where we are today, in the hope and expectation that the Bill will get a fair wind in the House of Lords and become law and that performing animals in circuses will be consigned to the dustbin of history along with very many other animal abuses that we have managed to deal with.

In the spirit of total co-operation and in gratitude to the hon. Member for Ipswich (Sandy Martin) and my hon. Friend the Minister, I say that other things that are not contentious can, and should, be going through the House much more quickly. I am proud that this Government and this Minister are in the process of putting the Bill on to the statute book, and I hope that we shall now see a succession of other animal welfare measures following it.

8.12 pm

Sir Mike Penning: My right hon. Friend the Member for North Thanet (Sir Roger Gale) has addressed exactly the memory loss that I had during my speech on Report. I could not remember the dates when the all-party group dealt with this. I was here in a different capacity at that time. All of us would understand the situation in '97, when there was so much legislation from a new Government. Finding time was difficult, but there was a huge majority on this issue and it was not contentious. I remember the discussions absolutely vividly. People were saying, "Would you do this private Member's Bill? Would you take this forward? Would you go into the ballot?" It has taken until today to get the Third Reading of a Bill that, frankly, is a no-brainer in this day and age.

I am thrilled that the Minister has taken on this Bill and by the way in which he has done so. I was not invited to go on the Public Bill Committee, and I was genuine when I said that I would have loved to. I was not here on Second Reading, so people obviously thought that I was not interested, and so on—but we are where we are.

I hope that when this very short Bill goes to the Lords they will look at what this House has done—how we have come together—and move the Bill through the other place quite fast so that it can be on the statute book in time for what the Minister is looking at doing.

People out there will say, "We miss this" and "We miss that", but there is not very many of them. As the Minister said, the country has changed. If we had tried to bring this Bill through in the '70s and '80s, we might have struggled, because people were different. I am not saying that they were bad, but what was acceptable then is not acceptable now. Making animals do things that are completely unnatural to them is not acceptable. I vividly remember one of these fly-on-the-wall videos that was taken at one circus—I will not name it, because a lot of circuses were bad. People were abusing and torturing animals to make them do things that were not natural. I hope that the Bill means that that never, ever happens again.

Other legislation needs to come forward, and I am conscious of what the Opposition spokesman, the hon. Member for Ipswich (Sandy Martin), was saying. We have legislation on the statute book but we have to be good and strict on this issue. Dogfighting is on the up in this country. Cockfighting, believe it or not, continues to this day. There is badger-baiting.

Sir Roger Gale: Trophy hunting.

Sir Mike Penning: To me, a trophy-hunting Bill is the simplest thing in the world. If someone wants to do that sort of thing, do not bring trophies—the animal's head—to this country. That is so abhorrent to 99.9% of the British public.

We have set a line in the sand and shown that we can bring such Bills through the House—it is a shame that more people are not in the Public Gallery to listen to us when we get things right. I am sure that, tomorrow, in Parliament this will get thruppence, because of President Trump and other things that have been going on, but this indicates what this House can do and is right morally and ethically. We should be very proud of what has happened in this House today.

Madam Deputy Speaker (Dame Eleanor Laing): If I may say so, the right hon. Gentleman is absolutely right. It is a great pity that when something of importance is achieved in the proceedings of this House, as it is about to be, it is not noted because the commentators prefer drama to care and doing the right thing.

Sir Mike Penning: Perhaps they prefer a circus in this House.

Madam Deputy Speaker: Yes, we will not go on about which circus is really the circus. To bring about what everyone in the Chamber has been aiming towards for a very long time, let me put the question.

Question put and agreed to.

Bill accordingly read the Third time and passed.

Madam Deputy Speaker: For the sake of clarity, I confirm to the House that the Back-Bench motion on the mineworkers' pension scheme will not be moved today.

Business without Debate

DELEGATED LEGISLATION

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

EXITING THE EUROPEAN UNION (FINANCIAL SERVICES AND MARKETS)

That the draft Financial Services (Miscellaneous) (Amendment) (EU Exit) (No. 2) Regulations 2019, which were laid before this House on 3 April, be approved.—(*Iain Stewart.*)

Question agreed to.

PETITION

Walsall Arboretum: park organisation

8.17 pm

Valerie Vaz (Walsall South) (Lab): The petition is from residents of the United Kingdom. The petitioners are concerned that Walsall Metropolitan Borough Council's decision to restructure the management of Walsall arboretum in Walsall South was made without consultation with the public. The petitioners say that the changes leave the arboretum with no onsite management and no dedicated management team. The petitioners say that these changes return the management of the arboretum to the situation it was in prior to investment by the Heritage Lottery fund. The petitioners note that there is a related petition on this matter started by my constituent, Fiona Macmillan, on change.org with 1,395 signatures.

The petition states:

To the House of Commons.

The Petition of Residents of the United Kingdom

Declares that Walsall MBC's decision to restructure the management of Walsall Arboretum in Walsall South constituency was made with no consultation with the public; further that the changes leave the Arboretum with no onsite management and no dedicated management team; further that these changes return the management of the Arboretum to the situation it was in prior to investment by the Heritage Lottery; and further notes a related petition on this matter on change.org with over 1200 signatures.

The petitioners therefore request the House of Commons to urge Walsall MBC to consult the public about the changes and restore the posts of Arboretum Manager and Events Co-ordinator dedicated to ensuring the activities, events, care and maintenance of the Arboretum continue.

[P002457]

Transport in Hertfordshire

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

8.19 pm

Bim Afolami (Hitchin and Harpenden) (Con): I rise to discuss transport in Hertfordshire. I am an MP for Hitchin and Harpenden—the MP, not an MP; there is only one, at least at the moment. Transport affects us all—not just Hertfordshire, but all counties and everybody in the House—but it particularly affects my constituency, and today I want to draw the House's and the Minister's attention to two specific issues: first, the train system and commuters going in and out of London from the stations of both Hitchin and Harpenden—both main commuter stations into London; and secondly, the looming expansion of Luton airport and the constant disruption faced by many of my constituents and others across Hertfordshire, including the constituents of many of my colleagues.

I will start with trains. When thinking about our transport system in Hertfordshire, we must have a sense of balance. Better public transport is essential. I do not know anybody on either side of the House who would disagree. We recognise that people in Hertfordshire want better public transport. Yes, they want better roads as well, as it so happens, but they want better public transport. They also want to maintain their standard of life. They moved, often from big towns or cities, principally London, because they did not want to be there. Hertfordshire is a much more rural county than many people realise, and the green belt is very precious to many of my constituents. It is important to bear that in mind when thinking about what infrastructure improvements are needed.

In particular, on the subject of Luton airport, I spoke to the Minister earlier today. I know how much he understands and cares about these issues, despite being relatively new to his brief. It is important that infrastructure such as airports is used for the benefit of all and is mindful of the negative externalities and impacts on many people in Hertfordshire and in particular my constituency.

Jim Shannon (Strangford) (DUP): As the hon. Gentleman says, infrastructure and better funding for transport are important not just in his constituency but across the whole UK. Does he agree that decent infrastructure is necessary to every community and that, although issues such as potholes might not be high on the register for some, for those of us who want investment in our local communities, good infrastructure is the starting point, and that requires good planning and good funding, and these two must go hand in hand?

Bim Afolami: I agree with the hon. Gentleman. Good infrastructure matters. It is the difference between being a developed advanced country and not being one. The ability to get into work in a timely manner is critical to the economic and social wellbeing of a country, particularly in constituencies such as mine that rely on commuting. He talks about potholes and roads. I will come to this later. Roads are the essential lifeblood of pretty much every small business, of people taking their kids to school, visiting family, seeing friends or just conducting everyday business. These things may appear small, but they are critical.

That leads me to trains. Many in the House will have heard me talk many times about trains. I can see my hon. Friend the Member for Wells (James Heappey) in his place. He has heard me bang on about this many times.

James Heappey (Wells) (Con): I never tire of it.

Bim Afolami: Hitchin station in north Hertfordshire serves 3.2 million passengers a year—1.3 million more than nearby Letchworth. Everybody in the House will be aware of the debacle in the rail industry in May last year with the big timetable changes, which did not go well. Like many others, Hitchin suffered severely, although there were some improvements. People going from Hitchin into central London no longer have to change at King's Cross St Pancras but can run all the way through the core of London to the south of London, which many constituents have told me is a significant improvement that has considerably improved their commute. That should be noted and welcomed.

That said, there are significant problems with the timetabling, particularly with overcrowding. This is a big problem, and not just because it is uncomfortable; it can often be a health problem, especially in the summer—and we are getting into warmer weather now. For anybody who has a disability or is pregnant or feeling ill, it can be a significant problem when commuting to and from work. The overcrowding is basically due to the fact that since the timetable changes there are fewer peak time trains from Hitchin and the trains stop more often going into London. This increases the overcrowding.

The Minister or any of the millions of people watching might think me just another MP whingeing about his local train service, because that is what local MPs do, and that is partly true, but unless the things that local MPs bring to this House, often after being begged by constituents, get heard, and unless constituents can see they are being heard and that their concerns are being acted on, there will be a crisis of trust not just in the local MP, but in the Government and Parliament as a whole, as a means to resolve the issues that people face. On these sorts of issues, I urge people—I know that the Minister, being a very good champion of his own constituency, understands and cares about this—to think about these things very deeply. Constituents email or write to their MPs, but they have better things to do; they do it because it matters and significantly impacts on their lives.

The Department for Transport does not run all the trains. It is not in charge of every driver of every route. The Transport Secretary does not determine every train timetable in and out of Hitchin or anywhere else. The Department sits atop a structure that includes Network Rail, which is responsible for the infrastructure and stations, principally, and for timetabling, and the operators—in our case, GTR—which are responsible for running services under franchise agreements with the Department. My contention is that GTR has not treated Hitchin as a major station. It has treated it as just another station in north Hertfordshire and not adequately appreciated the fact that it is the main station in that area, and this has had real consequences.

To best illustrate these consequences, rather than use my own words—we have heard enough of those already—I thought I would gather up some emails that I have received in only the last 72 hours about the train service

from Hitchin. Constituent 1 told me—I will not name them because then they might appear on Google and it would all be terribly embarrassing, but I will quote them directly:

“I am still to gain an answer from GTR as to why the station of Letchworth has seen such vast improvements in service over the past 12 months whilst the Hitchin service remains relatively unimproved. Letchworth now has the same frequency of peak trains as Hitchin (despite the fact that Hitchin has almost double the annual usage) as well as gaining Direct services”

—to London—

“(which Hitchin commuters had previously lost). As a committed campaigner for a greener future yourself I can see no logic in the fact I can now drive to Letchworth station rather than walk to nearby Hitchin, and still get to London faster?”

Here is another example, from Mandy.

“Please can you explain to me why every time there is a school holiday”

GTR

“are totally unable to run anything approaching an acceptable service?”

Chris writes:

“Hello Bim...Can I ask what can and will be done? The service provided...is abysmal and must be a serious consideration when people of our age are looking to relocate out of London. It must also affect the prosperity of the area as so many of us commute. The costs are enormous yet the service is poor at best.”

Mike says:

“Hi Bim,

The trains are worse than ever, it's been a complete disgrace since the May timetable changes. Most seem to be around lack of staff? I don't understand...

Are you able to find out if they're lying to us? I just want to be able to get to work in the morning and home in the evening.”

I will not continue, but I have received those emails over the last 72 hours, and I have received hundreds more over the last 12 months. This is a real problem with which I believe GTR has manifestly failed to deal. What do we need? The answer is simple. In Hitchin, we need more peak-time trains leaving between 07:30 and 08:30, and more peak-time trains arriving between 18:00 and 18:45. I ask the Minister to deal with that specifically in his response.

Let me now turn to Harpenden, the equally loved station in my constituency. GTR has been pretty unwilling to accept that any changes are necessary, but in the case of Harpenden it has openly admitted that its actions last May caused severe difficulty. It has been quite candid about that, and has engaged with me several times on the subject of the station and the trains. That culminated in a meeting that I arranged in February this year with representatives from St Albans, Luton, Bedford and, obviously, Harpenden: commuter groups, local MPs, officials from GTR, and various people who decided to turn up. That was a big room.

The stated aim of the meeting was to deal with the problem at Harpenden, because everyone in the room recognised that there was a problem. Honest, open views were exchanged, and by the end of the meeting everyone had agreed that Harpenden needed at least two more peak-time services that would otherwise stop at Luton, because the number of commuters between Luton and London was infinitesimal compared with the number at Harpenden. That was agreed by everyone in the room—except the hon. Member for Luton South (Mr Shuker). The hon. Gentleman is not here and

[*Bim Afolami*]

cannot defend himself, and I do not blame him for what he said. He felt that the issue affected his station, he did not want to be on record as having accepted that any station in his constituency had “lost” services to Harpenden, and he objected.

GTR manifestly failed in its duties. It is no way to run a process to accept that there is a problem—everyone is in a room with all the passenger loading data, the information and the evidence, and everyone agrees that in Harpenden services are needed from Luton rather than Bedford or St Albans—and then to hide behind an effective veto from a local MP. I do not believe that that is the way to run a service.

This afternoon I spoke separately to the Minister and to the rail Minister, my hon. Friend the Member for Harrogate and Knaresborough (Andrew Jones). Will the Minister commit himself, on behalf of the Department, to meeting me, various officials from the Department—if he wishes—and local commuter groups, along with GTR, to establish, finally, how we can broker some sort of agreement or solution to the problems faced at both Hitchin and Harpenden? That would be welcomed not just by me but, most important, by my constituents. Then, finally, we might achieve a resolution and an endgame to the problems that we face.

A connected, although separate, issue is the long-proposed rail freight site at the Radlett aerodrome, on the same line, which may not be advantageous to commuting services. Will the Minister confirm that the Government are no longer seeking to include that in their rail freight plans for the south-east?

I have dealt with the issue of trains. Let me now turn to the issue of Luton airport, which, surprisingly enough, is in Luton. It is in Bedfordshire, which is right next to my constituency. Constituents of mine live less than 200 yards from the runway. It is a rapidly growing airport: it handles more than 16.6 million passengers a year; and passenger numbers over the last 10 years have grown by over 80%.

If the House will indulge me, I will explain why I am particularly concerned about Luton airport beyond the fact that the disruption to my constituents from both noise and air pollution has grown significantly. Luton airport is owned by London Luton Airport Ltd on behalf of Luton Borough Council, which is also the planning authority hitherto responsible for approving increases in the allowed numbers of passengers. In December 2017, Luton Borough Council put forward a plan to expand Luton airport—a huge expansion, going up to 38 million passengers, which was later reduced to 32 million. I think, however, that everybody can appreciate that that is a significant increase from the current limit of 18 million passengers.

I am completely opposed to this proposal for expansion of Luton airport, but that is a subject for another day, because the processes of how it will be submitted are still being gone through and the Government have already accepted that the increase is so great that the application will go to the Planning Inspectorate at central Government rather than be decided by Luton Borough Council. I would make this point about Luton airport: it is not the right place for a major airport the size of Gatwick. Its location on a plateau means that topographically it is closed by fog and bad weather

much more frequently than most airports in the south-east. The dense pattern of settlements around Hertfordshire and that part of the country—whether Hemel Hempstead, Harpenden, St Albans or large villages—means that significant numbers of towns and villages face growing amounts of noise and air pollution and traffic on rural roads, and particularly in my constituency.

Returning to Luton Borough Council’s role, to be frank, my constituents—and, I know, many constituents in Hertfordshire generally who are overflown by planes from Luton airport—do not trust the council on this issue, because there is a conflict of interests: Luton Borough Council owns Luton airport. I want to be very clear that I am not alleging any specific illegality or impropriety—I have no evidence of that—but, as all of us here know because we are politicians, the appearance of fairness is often as important as fairness itself and there is a significant trust deficit between my constituents, many people in Hertfordshire and Luton Borough Council and its role vis-à-vis the airport.

In December 2013, Luton Borough Council approved a proposed expansion of 9 million—from a limit of 9 million passengers to 18 million passengers. That proposal was in 2013, so only six years ago, but it was meant to take place over a 15-year period up until 2028, and the project was designed to be a balanced one that matched growth with mitigation measures for traffic, air pollution, noise pollution and the like. On the face of it that seems a broadly acceptable way of proceeding, or at least it seemed so at the time.

Since then I am afraid we have seen a lot of growth; in fact, as I have said, we are already getting up to the limit of 18 million passengers in 2019, despite the fact that we are only meant to get to that point by 2028. There has been lots of growth but no mitigation. In fact it has been worse than no mitigation; things have got worse—things have been going backwards. Noise for my constituents, which blights them every single day—and night, as I will come on to—is getting worse and worse and worse for those who are unlucky enough to live beneath a flight path.

Luton airport is now in breach of a key noise control planning condition known as the night noise contour. Broadly speaking, limits were set on how much night noise there should be and Luton airport has exceeded that limit. Here I come to the problem with Luton Borough Council: guess which body will be making the decision on whether Luton airport will be able to breach its agreed planning condition, which was expressly designed to limit noise that affects Hertfordshire? That body is Luton Borough Council.

People might think that, just because the council owns the airport, it would not necessarily approve any expansion, and that is of course true. I am sure that it will say that there are strict Chinese walls in its organisation, and perhaps there are. However, Luton Borough Council receives more than £20 million from Luton airport from dividends alone, and we can see the direct incentive to make the airport grow as fast as possible so that Luton gets the gain from the growth. I accept that there is significant economic gain for Luton; I do not deny that. However, the pain—in terms of increased traffic on small rural roads, increased noise and air pollution and significant disturbance—will come to my constituents and the people of Hertfordshire. Luton gets the gain and Hertfordshire gets the pain.

Does the Minister agree that planning conditions governing aviation noise and emissions are a key part of maintaining the balance between growth and environmental protection to which the Government's aviation policy framework aspires? Does he condone the failure of Luton Borough Council to enforce a key planning condition despite the fact that the airport has breached the condition for the past two years and that a further breach of the same condition is predicted for this year? Will he, on behalf of his colleague, the aviation Minister in the other place, agree to the aviation Minister or another Minister from the Department sitting down with me and other local representatives and campaign groups from Hertfordshire to discuss whether the decision should be called in, in the light of the breach of the noise planning contour at Luton airport, such is the disturbance that this is imposing on my constituents?

We spoke about roads and potholes at the beginning of the debate, and I want to put on record that Hertfordshire County Council is doing its level best to improve the state of its roads. It has done well, and I call out Councillor David Williams, the leader of the county council, for working hard on this and making it a focus, but the council needs more money. I urge the Minister and the Department to keep in mind that we are not there yet. The money has increased, but there needs to be significantly more to improve the state of our rural roads in Hertfordshire and across the country.

On the roads we have cars, and we also have buses. Buses are the lifeblood of rural areas for elderly people or those who cannot afford a car. They cannot get anywhere without an adequate bus service, but in many parts of my constituency the local bus services have worsened and are inadequate. The village of Redbourn is an example, and I call out Councillor Victoria Mead for her absolutely fantastic campaigning to improve the bus service from Redbourn. Various villages to the south of Hitchin also have failing bus services that need support and improvement, and I urge the Minister to take a look at this issue in rural areas. How can we help our local bus services? I will work with him on anything that he and the Department wish to do.

I am a realist; I know that there is no magic wand. These issues are structural—whether they involve trains or Luton airport—and they take time. They are complex and difficult, and as I have said, the Government are not the only actor involved. However, I am asking the Government—in addition to answering the precise questions that I have mentioned—to lean in a bit more heavily on the side of the people and against the interests of GTR, which is not taking my constituents' concerns adequately into account, and against the unbridled, unfettered growth of Luton airport by Luton Borough Council, which is pursuing this reckless growth and profit without taking Hertfordshire residents into consideration. Let us work together to ensure that we improve the lives of the Hertfordshire residents that I and many other colleagues are here to represent.

8.44 pm

Sir Mike Penning (Hemel Hempstead) (Con): As a fellow Hertfordshire MP, how could I not be here this evening to support my hon. Friend the Member for Hitchin and Harpenden (Bim Afolami)? He has not been in the House for long, but he has picked up on some of the crucial issues that have blighted my constituents'

lives for many years. I have lost count of the number of debates and meetings I have had about Luton airport, and every single thing that he said about the airport is accurate.

My hon. Friend talked about pain and gain. Luton Borough Council is the relevant planning authority, owns the airport and gets the money, but none of the take-offs or landings occurs over Luton, or even over Bedfordshire. Depending on the wind, the majority of planes fly over Stevenage, Hitchin and Harpenden and the rural northern part of my constituency of Hemel Hempstead. I have had meetings with the airport's operators—the previous ones and the current ones—and they say, "We don't have radio beacons anymore. We've got GPS tracking," and I say, "I hate to say this, gentlemen, but you are the important managers who run this airport. I was standing in the village of Caddington, which is just about in my constituency, and I could have shook hands with the pilot of the plane that flew over. You are telling me that that plane wasn't there and that it was another 500 yards away." The residents say to me, "Look, Mike, this is what we have to put up with."

The airport has been there a long time—it was an RAF airfield during the second world war—but there has been an increase in flights, particularly at night, with low take-offs. I have talked to pilots, many of whom work at Luton airport and live in my constituency or that of my hon. Friend, and have said to them in private, "Come on. Why don't the planes climb faster when they come off the plateau?" If they climbed faster, the lives of my constituents and my hon. Friend's would not be blighted so much. The answer, I am afraid, is money. The faster the planes climb, the more fuel they burn. The simple fact is that the operators, particularly the low-cost airlines, are trying to make as much money as they can, and does Luton Borough Council give a monkey's about our constituents? No, it does not, because it is raking in the money. That is where the problem lies. I am pleased that some of the planning will now be called in and that the Planning Inspectorate will look at it, but it has taken nearly 10 years to get to this situation, and the legal authority for Luton airport is Luton Borough Council.

I will not repeat everything that my hon. Friend said about the airport, but am I a hypocrite—have I flown from Luton airport? Yes, I have on occasion. It is very convenient for my constituents, some of whom work there, so the economic gain is obvious, but we have to balance that against my constituents' quality of life. If I stand in some of the villages in the rural parts of my constituency, I can smell something that smells like paraffin, and it is aviation fuel. They tell me that they put bits and bobs out there in the woods, but there is no mitigation out there at all, particularly when it comes to noise, yet that was part of the original plan.

I am so pleased that we have some time to talk about more areas of concern in my constituency, which shares many of the issues that affect my hon. Friend's constituency. Turning to rail, his constituency is served by Thameslink and the east coast main line, but I am on the other side, so I have the west coast main line, and we have a fairly new operator in West Midlands Railway. Until a couple of weeks ago, I just got complaints from people saying, "I couldn't get a seat. It is not fair," and I feel for them, because they pay the same money as someone who

[Sir Mike Penning]

has a seat. If someone gets on at Berkhamsted, they can get a seat, but someone getting on at Hemel does not get one.

However, I also have two other stations, Apsley and Kings Langley, that are commuter stations for London. Over the past couple of weeks, I have been inundated with letters and emails from constituents saying, "All of a sudden, while I'm waiting at Euston to get the train home, they've decided that the train will no longer stop at Apsley, and Hemel will be the first stop, or the train will stop at Watford, but then doesn't stop until Milton Keynes." These are people who commute every day and pay a huge amount of money for season tickets. Their cars are often at those stations because they live in more rural parts, so they are trapped. I have written to the rail operator, so it will not be surprised that I am standing here and saying this: it is simply not fair.

The best thing my hon. Friend said to the Minister is that the Government need to lean in on this. The Government represent the British public, and they give out the franchises. This is a relatively new franchise. I had problems with overcrowding under the previous operator, and we had comments about late trains, but now the trains are not even stopping at the stations where they are supposed to stop.

This morning, my member of staff said that the train turned up with six carriages, not eight, so nobody got a seat from Hemel onwards, even though the train stopped. These passengers pay the same money for the service. My Government have given the franchise to an operator that, to me, is in breach of it. Yes, passengers can get compensation, but they do not want that. They just want to go to work. They want to come home on time to see their little 'uns go to bed, and do all the sorts of things that families want to do—they might even want to go to the pub and have a drink on the way home. They are paying for a service, and it is simply not happening.

I have two issues for the Minister, and I completely agree about Luton. It is not just the east coast main line and Thameslink; it is on our side, too.

I drove down this morning on the M1, which is often the lifeblood of commuters in our constituencies because many of them do not have the confidence to use the railway. The bus service is basically full, even from Hemel. For various different reasons, people need to drive. As I drove on to the M1 at junction 8, I might as well have been driving through a rubbish tip. I do not know what Highways England is doing, but it has a responsibility—and I know the public should not throw litter out of their windows. My local authority is desperate to encourage businesses, new people and new companies to come to Hemel. Even the downgraded M10, which is now the A414 and which Highways England still has responsibility for maintaining and looking after, is strewn with litter as it comes into my constituency. The next thing we know, Highways England comes to cut the grass and all the litter gets chopped up.

That sounds trivial, but Hertfordshire is a beautiful county. I have a new town. I have 45,000 homes in my constituency, of which only about 7,000 are in my villages. I have the Chilterns, which go right up through to the Bedfordshire border. It is stunningly beautiful, only to be blighted by people, organisations and agencies

of Government not doing their job. I am sure Highways England will say it has a programme and that it collects the litter every month or two, and I have written to it loads of times over the years, but it has to be named and shamed. It is an absolute mess.

It is not just litter. Street furniture was dumped at junction 8 when Highways England did some kind of maintenance years and years ago. I have written to Highways England over and over again, and I am sure it thinks it can just ignore a Member of Parliament. Well, in this case it cannot because I am naming and shaming it from the Floor of the House.

It is not all doom and gloom. In Hemel Hempstead we have the lowest unemployment since the new town was built. The unemployment rate is about 1.5%, which means there are more jobs in my town than there are unemployed people available to take them. That means there is a lot of commuting into Hemel.

Junction 8 was redesigned in about 2005, and we were thrilled when it happened, but I have 5,000 houses being built around the junction—the land is owned by the Crown Estate—and I have 20,000 new homes coming over the next 20 years. Interestingly, my constituency contained Redbourn many years ago but, as we have grown, Redbourn has commuted to another constituency.

We are growing and people are coming into the town, and junction 8 cannot cope. I know there are draft plans on the statute book, as I was a Roads Minister many years ago. Roads Ministers have plans for future road improvements and roadworks put in front of them by their people, and they consider things such as the business case ratio—if we spend £1 million on that, will we get back £5 million or £6 million? Plans are often rejected because the BCR is low. I also know full well that every now and again the Treasury will say, "Hold on a second, we've got quite a lot of money. Tell us about projects that are on the stocks." One project that needs to be on the stocks—and I understand it is being worked on at the moment—is a junction 8 improvement scheme. It is now getting dangerous, because traffic is backing up at the traffic lights as we come into Hemel on to the M1 slip—and what was the M10 slip. That is unacceptable.

The success of the town means that we are growing. One of my biggest bugbears is that if you drive round the M25 or down the M1, you will see signs 20 or 30 miles away for Watford. But Watford is not the largest town in Hertfordshire, Hemel Hempstead is. You have to almost bump into Hemel before you see a road sign for it. There is a fixation in our part of the world with Watford. My hon. Friend the Member for Hitchin and Harpenden and I have argued and campaigned on a new hospital for our constituents, but the news today is that they are going to chuck £350 million into the centre of Watford and the Victorian hospital there.

The Highways Agency shares the fixation. You have to be at the junction with the A41 before you see a signpost saying "Hemel Hempstead", even though we are the largest town in Hertfordshire. I cannot allow us to continue to be the forgotten town in Hertfordshire. We are the largest, the fastest growing and, at the moment, the most dynamic town, partly because of the terrible explosions that happened in 2005. Most of my town was damaged by the Buncefield explosions, and my council has been dynamic in rebuilding my town and bringing new businesses in. That brings me back to the point that both my hon. Friend the Member for

Hitchin and Harpenden and the hon. Member for Strangford (Jim Shannon) made about infrastructure. The public have to have trust in us to deliver the infrastructure so that business can prosper and improve the quality of life in my constituency and Hertfordshire.

We have an interesting problem. Both the east coast main line and the west coast main line have major problems at the moment, with two separate and completely different franchises. Luton airport blights my constituency and my hon. Friend's, and if the other hon. Members for the area were here, they would be banging on about it, because that is exactly what happened in the debate in Westminster Hall. The problem extends to the small stuff, like the fact that the litter is not picked up off the motorways as often as needed. The grass grows and covers it up, but if we want an environment that we all want to live in it needs to be done.

The Government have to lean in—that is a fantastic way to describe what we expect from the Minister, and it is what I hope I did when I was the Minister at the Dispatch Box in 2010, in an Adjournment debate that should have lasted 15 minutes and was an hour and a half. The reason this matters is that people want to have trust in this place—we were talking about that in the previous debate. People want to know that their views—the emails from Mary, John, Peter or whoever—are heard, and it is not just a letter to the different rail operators or to the Minister: it is the Minister standing at the Dispatch Box and saying that he or she will do something about it. That is what we would expect.

8.58 pm

The Minister of State, Department for Transport (Michael Ellis): As both my hon. Friend the Member for Hitchin and Harpenden (Bim Afolami) and my right hon. Friend the Member for Hemel Hempstead (Sir Mike Penning) know, Her Majesty's Government—this Government—are always on the side of the people, and that of course includes very much the people of Hertfordshire. This is my first appearance at the Dispatch Box as Minister of State for Transport, and I am privileged to respond to the excellent points that they have made.

I congratulate my hon. Friend the Member for Hitchin and Harpenden on securing the debate. He is an avid representative of his constituents' interests: he was when I was Minister in the Department for Digital, Culture, Media and Sport, and I know that he is on transport, too. I welcome the opportunity to speak about Hertfordshire, which is a sizeable county with a number of thriving communities, as my hon. Friend and my right hon. Friend have said. Transport is a key factor in ensuring that those communities can work together to secure the local ambitions of a vibrant place to live and work. We heard my right hon. Friend the Member for Hemel Hempstead talk about how incredibly low—record-breakingly low—unemployment is in his constituency. Of course, transport is a key factor in how communities live, work and play, and in how they secure their ambitions.

My hon. Friend and right hon. Friend were wide-ranging in their discussions of modes of transport. I wish to make reference to some of the work that we are doing at the Department for Transport and how we are investing in transport in the county of Hertfordshire. If I may, I shall start by talking about the A120. I am sure my hon. Friend the Member for Hitchin and Harpenden is aware

that we recently announced our support for a significant transport scheme in Hertfordshire. The A120 Little Hadham bypass, promoted by Hertfordshire County Council, consists of a 3.9 km single-carriageway bypass to the north of the village of Little Hadham. The A120 is an important east-west link in Hertfordshire's primary road network, running eastwards from the A10 at Puckeridge to join the M11 near Stansted airport. The scheme is designed to remove the significant congestion and delays that are caused by the one-way working, the signal-controlled junction and the bridge in the centre of the village, as well as to reduce the risk of fluvial flooding in Little Hadham. The total cost of that scheme alone is £39.58 million; via the Department for Transport and the Environment Agency, the Government are providing £30.6 million of that sum.

I shall come to aviation in due course, but let me move on first to local roads. The local highway network is of course one of our most valuable national assets and an essential component of our economy. It is the local roads, not the A roads or the motorways, that form some 98% of our national highway network, and local authorities such as Hertfordshire County Council have an existing legal duty to maintain them. Having a good and well-maintained local highway network has never been more important, and that applies to all the counties of our country. The Government and businesses see good roads, both strategic and local, as vital to commercial success. That of course includes issues such as litter as well as the roads' structural goodness, if I can put it that way.

It is hugely important to have roads in an acceptable and safe condition, and that is true for us all, whether we are car users, lorry drivers, bus passengers, cyclists or pedestrians. Let us face it: most of us are many of those things at various times. Ministers and Members of Parliament receive plenty of correspondence on potholes, for example. I myself have considerable experience in this policy area: I campaigned on the subject as a Back Bencher and was credited by the former Chancellor of the Exchequer George Osborne with drawing attention to the issue as it related to Northamptonshire.

The Government are investing more than £6 billion in funding for local highway authorities in England outside London between 2015 and 2021. Indeed, this year alone, the county of Hertfordshire is receiving more than £14 million for local highway maintenance. That funding is not ring-fenced and its use is entirely at the discretion of highway authorities based on their local needs and priorities. I assure my hon. Friend that we will continue to work with local highway authorities on a wide range of initiatives, including ensuring that funding is used for its intended purpose—to improve the condition of our local road network—as well as ensuring that authorities are open and transparent about how the significant funding we are providing is being used, because it is a lot of money.

We are also looking at transport improvements on the strategic road network. The first road investment strategy has one scheme in Hertfordshire—the smart motorway between A1(M) junctions 6 to 8. It is scheduled to start construction this financial year, 2019-20, and it will be “all lane running”, with the hard shoulder converted into a permanent running lane to help reduce congestion. Variable speed limits will also be implemented to smooth traffic flow.

[Michael Ellis]

As well as that, £3.5 billion has been allocated for the major road network and the large local major schemes programme. We are working with subnational transport bodies, including England's Economic Heartland, of which Hertfordshire is a member, to prioritise schemes in their areas to be put forward for funding consideration. A lot of money is going into roads in these areas.

Rail also plays a crucial role in the Hertfordshire economy and transport network. We know that more than 60,000 people commute out of the county by rail every day, with the majority commuting to London. Rail also brings more than 12,000 workers into Hertfordshire, so many are commuting into the county as well as out of it. A number of rail projects are therefore being committed or planned that will transform rail travel in the region over the next 10 to 15 years. I understand that my hon. Friend had a positive meeting with the rail Minister, my hon. Friend the Member for Harrogate and Knaresborough (Andrew Jones), earlier today, and I understand that a further meeting has been scheduled to discuss rail services in Hitchin and Harpenden in more detail.

Major projects will provide significant changes to the capacity available and journey opportunities on key services to and from Hertfordshire. We are planning and delivering investment in key local stations in Hertfordshire, such as the planned second footbridge at St Albans City station and the Stevenage Turnback project.

Govia Thameslink Railway provides most of the services in Hertfordshire. I will focus on that franchise not only for that reason but because it was mentioned by my hon. Friend. GTR runs Thameslink and Great Northern services, which connect Harpenden, St Albans, Hitchin, Stevenage, Welwyn Garden City, Hertford and other Hertfordshire towns to London. Recent overall performance on GTR—I have asked about this—has been strong. Its overall public performance measure figure for the most recent rail period—covering May—was 88%. However, I accept that there have been some major operational incidents in recent weeks, including power and signal failures, which have negatively impacted performance across the GTR network, including at Hitchin and Harpenden stations. My Department continues to monitor performance to ensure that, when these incidents occur, the operator recovers service as quickly as possible.

I was concerned to hear my hon. Friend mention the fact that several of his constituents had written to say that they had not received replies from GTR. Perhaps he will raise these points with me afterwards, or write to me in more detail, and I will see whether we can assist in getting expeditious responses.

In the timetable change last month, GTR introduced an additional train each hour in both directions on the Cambridge to Brighton route. I am advised that Hitchin now has more services in each peak, including more fast services, compared with before the May timetable change last year. Hitchin passengers now have a much wider range of possible destinations, with the option of travelling to King's Cross or using the Thameslink services for direct access to St Pancras, Farringdon, City Thameslink and Blackfriars. Since last month, this range of destinations has also been available at weekends—which it was not

previously—with a direct service each hour now running through central London to Brighton on Saturdays or Gatwick on Sundays.

As my hon. Friend says, GTR undertook a passenger demand review on the Thameslink route between St Pancras, St Albans, Luton and Bedford during the morning and evening peak periods to determine properly the usage of each service, including the newly introduced Thameslink express services, following timetable changes throughout the route in May 2018. GTR has consulted on small-scale changes with stakeholders who represent the interests of passengers on the Harpenden route. While an agreement was not able to be reached in time to allow for these changes from May 2019, GTR has said that this process is ongoing and that it will continue discussions with all affected parties to try to achieve a settlement for future timetable changes.

Once the midland main line upgrade works are completed, the frequency, seat numbers and overall capacity at Harpenden, Flitwick and Leagrave stations will be increased to the level that was originally planned. We have already seen additional weekend services at Harpenden, with two extra trains each hour on Saturdays and Sundays introduced in the timetable change last month. For the first time in 40 years, passengers from Hertfordshire are riding on new trains to London Moorgate, as GTR begins to replace mainland Britain's oldest electric rail fleet. In addition to the new class 700 trains that have been introduced on Thameslink services, 150 new carriages are being introduced on Great Northern in a £240 million investment to replace trains that first entered service as long ago as 1976. The new trains have capacity for 940 people, providing around 25% more capacity compared with the trains they replace. They have air conditioning and free wi-fi, and are designed to modern standards for safety and accessibility. Those are all positive aspects.

As my hon. Friend will know, the Chancellor of the Exchequer announced an extra £500 million at the autumn Budget 2018 for the housing infrastructure fund, bringing the total funding available to £5.5 billion to unlock up to 650,000 new homes across England. The fund will: deliver new physical infrastructure to support new and existing communities; make more land available for housing in high-demand areas, resulting in additional homes that otherwise would not have been built; and support ambitious local authorities that want to step up their plans for growth and make a meaningful difference to overall housing supply.

In March 2018, the Government announced the areas that are being taken forward through co-development, where the Government are working with local authorities to further develop their proposals for the housing infrastructure fund. Hertfordshire is one of the places we are working with in co-development. The Department for Transport continues to work closely with other Government Departments and local partners to take forward these proposals. By working together, we can maximise the opportunities that the fund creates. We can create well-connected places with good transport infrastructure, and accelerate the delivery of homes that the county and the country need.

My hon. Friend raised the issue of Luton airport—powerfully so—and the impact of expansion plans on the residents of his constituency. [Interruption.] Indeed, my right hon. Friend the Member for Hemel Hempstead

eloquently did the same. Under section 23 of the Planning Act 2008, all airport expansion decisions that are seeking to increase their planning cap by over 10 million passengers per year are, as my right hon. Friend acknowledges, going to be required to follow the development consent order process, so they would be considered as nationally significant infrastructure projects. That means that they are subject to Government approval as part of that process. It is not just left to the local authorities.

The Government are aware that Luton airport has been in breach of night noise contour limit planning conditions for the past two years. As the noise controls at Luton airport are set by the local planning authority, decisions on enforcement should also be made at this level and without Government intervention. As Luton airport has requested a variation to a condition of its existing planning permission, which was granted under the Town and Country Planning Act 1990, the question of whether to call the application in is not determined by the aviation Minister. I understand that the Secretary of State for Housing, Communities and Local Government is considering requests to call in this planning application for a variation of conditions. He will have regard to call-in policy when reaching his decision. In the meantime, as a result, it would not be appropriate to comment any further.

The Government recognise, however, that aviation noise is a key concern for communities who live near airports and underneath flight paths, and that aviation emissions are a key factor when considering how the sector can grow sustainably. To maintain an appropriate balance between growth and the environmental impact

of aviation, the Government believe that, where possible, noise and environmental controls should be set locally, and this is often achieved through planning conditions.

Sir Mike Penning: There is something special about Luton. Yes, this should usually be done through the local authorities and local councillors should decide, but Luton owns the airport and Luton is the planning authority. It is not done in the usual way; it is a very different situation. They get all the profits and none of the flights; they get all the benefit and we get all the pain.

Michael Ellis: I take on board my right hon. Friend's point. I am sure he will agree, having said that, that considerable investment is currently being made in transport improvements in Hertfordshire. There are also some excellent opportunities for further investment in this key corridor through the various funding streams that I referred to earlier, most notably the housing infrastructure fund and the major road network. I would urge local partners to build a robust and compelling case that demonstrates to Government the need for investment in key infrastructure in this high-growth part of the country, delivering benefits to the constituents of my right hon. Friend and my hon. Friend, and to current users, as well as equipping the area for future growth and success.

Question put and agreed to.

9.18 pm

House adjourned.

Westminster Hall

Tuesday 4 June 2019

[MR PHILIP HOLLOBONE *in the Chair*]

Telephone and Online Scams

11.30 am

Chris Elmore (Ogmore) (Lab): I beg to move,

That this House has considered telephone and online scams.

It is a pleasure to serve under your chairmanship, Mr Hollobone, and to have the first debate back after the brief Whitsun recess. It is good to see the Minister in her place. I am grateful to her; I understand that, due to personal circumstances, she is covering for the Minister with responsibility for this area, the right hon. Member for Wyre and Preston North (Mr Wallace). I am also grateful to my hon. Friend the Member for Torfaen (Nick Thomas-Symonds), who is covering for the shadow Minister for policing, my hon. Friend the Member for Sheffield, Heeley (Louise Haigh). It is a covering event today, but I am extremely grateful to the Front Benchers for being in their places.

We do not need to be weekly watchers of “Watchdog” to know that scams are a scourge in our communities. We all hear examples week in, week out of constituents, friends and family who have been targeted by scams. In 2019, those scams are far from the more traditional forms of fraud we have seen in the past. There is no face-to-face interaction with the perpetrators of the crimes and people are not being targeted like the celebrity scammers in “The Real Hustle”. Instead, millions upon millions of individuals are being targeted in the safety of their own homes. Whether it is through a phone call, an ad that people see on their smartphone or a rogue email, the methods used by these hidden fraudsters are becoming more and more sophisticated every day. Today, I am calling on the Government to do one thing: to expose the fraudsters and get ahead of the game so that we can stamp this scam culture out once and for all.

Why are scams such a problem? Many might say, “Don’t be stupid. Anyone can tell the difference between a scam phone call or email and a legitimate communication,” but the truth is that, with the increasingly sophisticated methods being employed and the vulnerable people being targeted, we cannot rely on that assumption, and the statistics show that. Picture an 80-year-old living alone in an area of high crime. They get a call from someone purporting to be from the Department for Work and Pensions inquiring about a problem with their pension. They rely on their pension to get by and trust the caller because they have said they are from the DWP. The caller tells them that their pension payments may be put on hold if they do not provide some personal details over the phone. Can we all honestly say that we do not know of elderly family members, friends or constituents who would not be tempted to go along with that? If someone is being told that their money might stop if they do not co-operate, they could well be driven into a false sense of security and provide the information being asked for.

One of the key problems is that, whether over the phone or online, criminals are taking on the role of responsible and trusted sources to coerce potential victims into co-operating. While that is a big problem for vulnerable populations—particularly the elderly—it by no means stops with them. Many Members may well remember the recent cases where the face of the “Money Saving Expert”, Martin Lewis, was being used on targeted online advertisements on Facebook. It was not just one Facebook advert, but some 1,000 targeted Facebook ads that were using that trusted figurehead. They were glossy and looked legitimate, but ultimately they were seeking to pillage money from those who could least afford it. That just shows how wide the problem goes. If we cannot trust an advert with the face of the “Money Saving Expert”, what and who can we trust?

One constituent even approached me recently about a scam involving emails asking for information being sent from my own parliamentary email address. That issue has been referred to the House authorities. Most recently, just last week another constituent emailed me saying that a false email had come with my name on, but that was not from my email address. The constituent rang my office, querying why I was using a different email from my normal parliamentary one. Thankfully, they had had correspondence with me before. Even as Members of Parliament, trusted as we are with handling the personal information of constituents, our names are being used. I only knew about it because of that particular constituent, who was savvy enough to realise that the email was not mine, but a fake one, which was asking for personal information, including their national insurance number and their bank details. None of us are immune from the issue.

On the one hand, it is positive that clearly not all the public think of politicians as untrustworthy if they are putting us front and centre in pushing a campaign. But on a serious note, it shows how concerned we should be about the tactics that criminals are using. In the era of fake news, where there is an ever-important need to look over anything we see or hear with a critical eye, the hidden fraudsters who seek to steal our money online will adapt their methods in ways we least expect. That is why the issue is so important. It is not going away. If we manage to hold back the tide of scams out there today, the scams of tomorrow could be completely different, and we have to be prepared for that.

How big a problem are we talking about? Age UK found that up to 5 million people over the age of 65 believe that they have been targeted by a scam. It also found that single, older people are far more likely to respond to a scam than younger, married people. As many Members will know, around half of over-75s live alone. That just illustrates how elderly people are particularly vulnerable to this menace. That, in part, is where the real injustice lies with our current approach. What would our response be if 5 million older people had been a victim of an attempted burglary? There would be an urgent question on the Floor of the House, and it would rightly be declared a crime wave.

The statistics show that the over-65s are a staggering three times more likely to be targeted by a scam than be burgled. Scams pose less risk for the criminal than a standard burglary, with the number of potential victims rising exponentially as a result. Half a billion pounds was lost by UK banking customers due to scams in 2018.

[Chris Elmore]

Remarkably, the charity Think Jessica estimates that as few as 5% of scam victims report the crime committed against them. That fact alone tells us that the statistics could well be the tip of the iceberg. But unlike icebergs, the issue is not melting away. In fact, the figures from all agencies, including the Government, suggest that the issue is getting worse.

Figures from the Office for National Statistics show that in 2018, the number of reported fraud incidents rose by 12% on the previous year, equating to an astonishing 3.6 million individual cases. Sometimes that might be a fiver or a tenner stolen, but more often than not we are talking about much greater sums of money or personal information that can never be recouped. While £5 or £10 might not seem like an awful lot of money, for someone on universal credit or, worse still, appealing a universal credit decision, that £5 or £10 could be an awful lot of income for their household. Likewise, once people have become victims of fraud, it can be incredibly difficult for them to recoup the money they have lost. I recently helped a small business in my constituency get back nearly £20,000 that it lost in a scam after a long battle that the constituent had endured with his bank. That just shows how this crime can have a prolonged and significant impact on victims, and that impact is not only financial; it also puts strain on family and business. It simply is not good enough.

Just as the last Labour Government were tough on the causes of crime, it is now time we got tough on the scourge of hidden crime. Put simply, an epidemic of scams is sweeping across the country, and I know that south Wales is a particular hotspot. Every week in my inbox and during advice surgeries, I am contacted by constituents who have been targeted by the increasingly sophisticated techniques that I have outlined. Whether in written form, online, via text message or over the phone, the sophistication of the targeting seems to know no bounds. The criminals who sit behind a computer or a phone and think they are immune from the law need to be exposed as the hidden fraudsters they are. The very fact that many scams are targeted at the elderly and the vulnerable shows just how low these cowards will stoop in pursuit of a quick buck. With many communities still suffering under the strain of nearly 10 years of Government austerity, the money being stolen by scammers can push people's finances to breaking point.

As with everything involving technology, there is no silver bullet to stop this problem, but there are things the UK Government can do to stem the tide and deter other freeloaders from seeking to cash in on our communities. We first have to look at the police's approach. Tackling fraud online and via the telephone is not a strategic policing priority. The police watchdog, Her Majesty's inspectorate of constabulary, found only two months ago that the public are being left at risk because forces do not consider fraud to be a priority. One officer told the inspectorate that, despite people being more likely to fall victim to fraud than any other crime, it was falling behind other offences because it does not "bang, bleed or shout".

The inspectorate's report warned of a "disjointed and ineffective" response across England and Wales because of the lack of a national strategy. I therefore ask that

the Home Office ensures that tackling such fraud becomes a strategic policing priority across all our forces. At a national level, will the Minister—perhaps she will pass this on to the Minister responsible—update Members on the progress made by the joint fraud taskforce? As I have mentioned, the ONS has found that fraud is increasing, not going down. Members across the House therefore need to know what the taskforce is achieving.

On a more positive note, I was pleased to see the introduction of the pension cold-call ban in January. I warmly welcome that effective step from Ministers. Although I recognise that the effects might not yet have been assessed, I am sure that all Members would appreciate it if the Minister provided an early indication of the effectiveness of the policy. Likewise, given that we know that fraudsters often adapt their tactics when avenues are closed off, the Government need to outline what they are doing to prevent other fraud—for example, online scams—from increasing following the cold-call ban. As I have said, the backdrop of austerity cannot be ignored when addressing this issue. The cuts to local government across England and to the Welsh block grant have undoubtedly had an impact on trading standards' ability to tackle scams.

I want to praise the work of my local trading standards team for its work to raise public awareness of the threats posed by scams, particularly through its Friends Against Scams initiative. I also pay tribute to my local force, South Wales Police, which has done a huge amount to try to support constituents who have been scammed. There is a wider issue, in that once someone has been scammed, particularly if they are older, vulnerable and living alone, there is an element of embarrassment and they feel they cannot report it. South Wales Police has done huge amounts of work locally and across the region to try to reassure people that the scam is a crime and they deserve justice.

It cannot be denied that trading standards could do much more to tackle the problem if they had more resources. What representations will the Minister make to the Chancellor in advance of the spending review to free up funding to get to grips with the issue? The sheer scale of the crime means that one agency cannot tackle it alone. Increasing resources will mean that trading standards can work in a much more joined-up way with other agencies, such as the police and local adult social care services.

Although public awareness tactics have been used in the past, there is a need for a much more far-reaching and targeted campaign. Simply using Facebook adverts or leaflets in Government-owned buildings will not work. There is an irony, in that while many of those targeted are over 65, there is an issue about digital inclusion, access to broadband across the United Kingdom, and access to computers and the digital technologies through which advertising campaigns could work, yet lots of the people targeted do not have access to those services, so we arguably need to raise public awareness through television and other sources. We need to reach out to our communities, particularly our elderly residents, with the latest information on what types of scams are out there and how they can prevent themselves from becoming victims. The Government must see that as an investment in our communities against a problem that will only worsen if we allow the epidemic to continue to take hold.

Nobody likes the feeling of being violated by a criminal. No matter what the scale of the crime is, the feeling is still there to an extent, and yet there is a silent crime wave sweeping across the UK that very few people talk about, and the Government are not doing nearly enough to address it. It is time we got real with these hidden fraudsters and prevented them from inflicting any more damage on the communities we represent. Whether it is a family member, a friend or someone living down the street who we do not know, nobody deserves to have their money or personal information stolen from them. It is time we shouted louder and stemmed the tide. Whether it is £20 or £20,000, the Government must show today that they are serious about tackling the criminal black hole being inflicted on people's finances. Warm words and sympathy are welcome, but they do not resolve the problem.

We are going backwards on tackling this problem. We need to get on the front foot and ensure we are ahead of the criminals. The word "scam" has become synonymous with something we cannot control of late. Today the Government—I know the Minister will do her best—need to step up and show that that is simply not the case.

Mr Philip Hollobone (in the Chair): I remind Members that the debate can last until 1 o'clock.

11.44 am

Tim Farron (Westmorland and Lonsdale) (LD): It is a pleasure to serve under your chairmanship, Mr Hollobone. I am grateful to the hon. Member for Ogmere (Chris Elmore) for securing this extremely important debate. As he has rightly set out, the growth in recent years of online and telephone scams, which are often combined, is a deeply troubling development. The impact on individuals is colossal.

I can think of three examples that I am working on in my constituency. An early-retired teacher was recently scammed into investing £25,000 into a fake bond through an incredibly plausible copied website of a reputable bank. A young man who works in the arts was recently scammed out of an amount just shy of £50,000; he was presented with what was apparently a bill from Her Majesty's Revenue and Customs, and was told that if he did not pay, he could be subject to prosecution. A couple who had no conventional pension were convinced by a combination of telephone and online scamming—their computer, but not their online banking operation, was hacked—into transferring nearly £200,000, which has utterly destroyed their retirement. Those are three instances of bright, not terribly elderly people being scammed by sophisticated criminals. It has had a massive impact on those people's self-esteem; the hon. Member for Ogmere rightly talked about the sense of violation felt by victims of these scams. They have had their lives trashed, and, in one case, their retirement turned upside-down. The impact on the victims of online and telephone fraud is colossal, and we need to be aware of it.

My quick assessment of the people I am supporting through my constituency office is that there has been roughly £1 million of personal fraud perpetrated on individuals across the age ranges. Almost all the cases focused on online fraud. As the three cases I mentioned have not been resolved, we have been successful in getting significant amounts of compensation—full

compensation for some—for victims of fraud in my constituency, but in the other cases, there has been nothing as yet, which is completely unacceptable. The hon. Member for Ogmere rightly pointed out the rise in fraud and the amounts of money involved. In the first half of 2018, there was some £95.7 million of online fraud.

I want to draw a correlation, which is not complete, but is hugely significant, with the loss of bank branches and physical banking opportunities in our communities. My constituency of Westmorland and Lonsdale has pretty much the same geographical area as Greater London, though it has a slightly smaller population. Of all our towns and villages, only two retain physical bank branches. In the past three or four years, we have seen the closure of branches in the villages and towns of Milnthorpe, Grange, Ambleside, Sedbergh, Kirkby Lonsdale and others. To a degree, bank branch closures have come about because banks have responded to our changing banking habits. I understand that, but they have pushed it. It makes life a lot easier and cheaper for the banks if we completely relate to them online. It saves them a fortune. Think of the hundreds of thousands of pounds that banks will have saved, in my constituency alone, in wages, rent and overheads by closing down branches. When they have owned the buildings, they have had a huge cash sale capital receipt, and the money they have saved has gone into their profits.

There is also a correlation between the increase in online fraud and the decrease in the number of bank branches in our communities. Recklessly, banks have put customers—particularly, but not exclusively, older ones—at greater risk, while saving millions upon millions of pounds. I do not say that there is no business case for some branch closures, but the banks have been reckless, and have done nothing—or very little, having left it very late to do anything—to help victims of the increase in fraud as people who feel less comfortable going online have become more likely to feel obliged to do so. The banks have increased risks to their customers—our constituents—while saving themselves a fortune.

Authorised push payment scams are key to what we are talking about. We should welcome the voluntary code that came in just a few days ago, which I hope will result in significant changes. At the moment, if someone has been the victim of an unauthorised scam—in other words, if someone else has got hold of their details and taken money out of their account—nine times out of 10, or perhaps 99 out of 100, the bank will compensate them. If, however, someone has been fooled into moving some money out of their account themselves, as in the three instances I just related, nine times out of 10 they are on their own. The authorised push payment scams voluntary code ought to mean that future victims of authorised push payment fraud will be compensated.

Of course, all the people I have spoken about—indeed, all the people we will talk about today—are historical victims. Whether they were scammed in the last few weeks or the last few years, they stand to get not a penny of compensation. It is very good to see the Minister in her place. I really want her to focus on what we will do to help people who have been victims historically, which is everybody apart from those scammed in the last week. I ask her to take action so that the code can be applied retrospectively to all victims of authorised push payment scams.

[Tim Farron]

The hon. Member for Ogmore rightly talked about the need to catch the criminals who do something so utterly despicable. My police force in Cumbria is under enormous resource constraints, but is doing a good job, in so far as it can, in providing support. In recent days, local media have reported on the relatively small number of police available to respond to incidents in our community. One of the reasons for that is that many have been taken off to do this kind of work. It is important to recognise that our police force must be given additional resource to catch those who are guilty of such crimes, and to support victims.

Chris Elmore: I thank the hon. Gentleman for taking part in the debate. I am in the police service parliamentary scheme. What struck me when I met one of the victims of such fraud is the sheer scale of the paperwork that the police have to complete. They told me that that is because the back-office functions have been cut, as there is no funding, which creates additional pressure. The police want to deal with these cases. The hon. Gentleman is right that there are not enough officers to do so, but it is also about the paperwork involved, because the fraud is so complicated. The police have to have an hour's discussion with the person who has been defrauded. Does he agree that there has to be specific funding, not just for trading standards but within the police, so that they can tackle the problem as broadly as possible?

Tim Farron: I am grateful to the hon. Gentleman for raising an important point. One issue is resource; another is time and expertise. We are not dealing with stuff that is simple to fix. He is right that one of the impacts of, let us be honest, the underfunding of our police service in the last few years has been that police commissioners seek to protect the number of visible police officers, for good reasons and because it is politically sensitive. How do they then save money? They get rid of all the admin staff. Police are therefore unable to focus on frontline policing, because they are taken off to do the admin work that the back-office staff used to perform.

Banks are saving perhaps hundreds of millions of pounds by closing branches and changing the way in which we relate to them, but they thereby put our communities at greater risk of online and telephone fraud. There is a real opportunity for the Government to take—not in a punitive way—a small fraction of the profits that banks have made by closing those branches. That windfall tax could be used for two purposes: compensating victims and resourcing our police service properly, so that we can protect people.

I would love the Minister to give us more information on those two points. First, will she backdate the code and ensure that it has teeth, so that historical victims of authorised push payment scams are compensated, as well as future victims? Secondly, will she consider a windfall tax on the banks, based on the profits they make from closing so many branches, so that we can resource our police properly, in order to protect the victims and pursue the criminals?

11.55 am

Jim Shannon (Strangford) (DUP): It is a pleasure to speak in the debate; I thank the hon. Member for Ogmore (Chris Elmore) for introducing it. It is also a pleasure to follow the hon. Member for Westmorland and Lonsdale (Tim Farron).

Every one of us elected representatives will know people who have been scammed. I will give a couple of examples, though I cannot put a figure on the moneys scammed from the people I will refer to. I was recently made aware of a successful scam whereby a lady was relieved of her entire retirement savings of some £20,000—basically, her life savings. She was a schoolteacher; it is funny that the lady to whom the hon. Member for Westmorland and Lonsdale referred was a schoolteacher as well. I do not mean to be negative in any way—just realistic—but one would have assumed that they would have been well aware of what was before them.

This lady was the head of the English department, and was very active in her local church. She is a very bright lady who is still very much with it; she is under 70. To put it simply, she fell for an elaborate scam. A man who sounded as though he were in his 50s, knew the banking lingo, and was polite to the extreme agreed to ring her back after she said that she was busy and could not speak because she was leaving her grandchild at school. He called back at the time they had agreed and went through what seemed like the logical steps to stop a scam from taking place. Unfortunately, he was the scammer, and he knew exactly what he was doing.

The point that I am trying to make is that even the best people can be scammed if they are not careful. Perhaps the scammer once worked in a bank or in the financial sector. Certainly he sounded beyond plausible by the end of the call. This lovely retired teacher's husband was a long-distance lorry driver. They had worked long and hard hours to save enough money to retire—money that they were going to use to visit relatives and do what they wanted to do when they had more time to spend together. I must highlight that when this lady went down to her bank, the staff were incredible. It is good to underline it when banks step in and do the right thing. In this case, Santander and Nationwide must be thanked; they were able to track and trace some of the money, and the lady got some 75% of it back. I put on record my thanks to them for what they did.

Clearly, the scammers have upped their game. Their scams do not involve emails from so-called Nigerian princes, kings, and retired army generals, telling people, “You’ve just won all the money in the world, which you never thought you’d have, and you’ve inherited land. All you have to do is send your bank details, and we’ll transfer the money and everything else to you.” It is much more sophisticated today; we now have home-grown, plausible, knowledgeable thieves, able to prey on those who have worked hard and deserve to live their life free from such vile thieves.

I know another lady who was scammed. She is separated and divorced. The person who scammed her was aware of her personal circumstances because she has a Facebook account. Whenever we put something on Facebook, we innocently tell the world where we are. People know whether we are separated or divorced, and when they read that story, they quickly assume that we are vulnerable, which gives them another opportunity for a scam. The scam involved transferring money to a person from eastern Europe or wherever—he certainly sounded English, according to the lady. They had a Facebook arrangement and made telephone calls, but they did not meet. Appointments and liaisons were made, but there was always a reason he could not make it. The signs tell us that something was not right about it. He purported to

be serving in the forces, but when the address that he had given was checked out, it was false, as were the details of his Army record. Everything about him was false, but she was vulnerable and innocently lost money to his scam. We need to be careful about that.

My local paper, *Newtownards Chronicle*, regularly publishes stories to highlight scams, whether online or telephone frauds, as do the police. The scams are on a large scale. HMRC reported that, last spring, it received some 250,000 reports of tax scams—nearly 2,500 a day—and asked for more than 6,000 websites to be deactivated. Some 84,000 customers lost money. About a month or two ago, HMRC warned in the press about people telling others, “Pay your tax by this time”, and some people were caught as a result.

Last year alone, customers lost tens of thousands of pounds, but only a fraction of that amount was refunded by banks. The new code, which we all know about, should mean that more money will be reimbursed. The refund will come from a central pot in cases where neither the bank nor the customer was to blame. Eight banks, covering 17 brands, have committed to implement the code immediately: Barclays; HSBC, including first direct and M&S Bank; Lloyds Bank, including Halifax, Bank of Scotland, and Intelligent Finance; Metro Bank; Nationwide; Royal Bank of Scotland, including NatWest and Ulster Bank in Northern Ireland; Santander, including cahoot and Cater Allen; and Starling Bank.

Not all banks have signed up, however, and that needs to change. In the Minister’s response, which I know will be forthcoming and helpful, perhaps she can give us an idea of what has been done to encourage other banks to sign up and be part of the initiative. We need to drive change and the way forward from this place and from this debate, and I look to the Minister, as I often do, to understand the Government’s plans for the line of action to be taken, legislation, and the methodology to ensure that scams and scammers can be stopped.

What more can we do to tackle the issue? In large part, it needs to be tackled through conversation and coverage. We need to encourage people to have conversations about phone scams with all family members, not simply those whom we believe to be vulnerable, although they also need to be told. It is surprising how many people can be caught out unwittingly. Hon. Members present, and people further afield, may remember the old days when front doors were left open, probably with the key inside. The money was in the wee tin in the kitchen, but it was never touched—that is how it was. Life has moved on. Today, thieves are willing to rob, pillage and steal, and they have different ways of doing it, which we need to understand.

The message must be clear. People should always check with their local branch before they give out any details. They should pop down and ask the staff on the front desk what is happening—or if they do not have a bank to pop down to and ask, as the hon. Member for Westmorland and Lonsdale said, they should certainly phone. The staff can let them know if there is an issue with any of their accounts. A genuine caller will understand and encourage the need to check with the bank.

I usually go on holiday every second year, and we have paid the money this year. As an example of how banks can do it, when the money is paid out from my credit card account, my bank phones me up and says,

“This is a larger amount of money than we normally have coming through your bank account. Can you confirm it?” Some banks, and some debit and credit card companies, are proactive, as they should be.

I am not a soap watcher—I do not watch “Coronation Street” or “Emmerdale”, or any of those sorts of things—but my wife is, and millions of other people watch, too. As I understand from my wife, not from my own experience, they do storylines about different issues. There is an opportunity to use some of those soaps to raise awareness by carrying a hacker storyline. That would make more people aware of what is happening throughout the country. We need to understand that it is happening to people of all ages, not simply to the old and infirm; a 20, 25 or 30-year-old can be scammed as well. The hon. Member for Westmorland and Lonsdale referred clearly to young and old.

We need to set aside more funding to enable the police to be more effective in tackling such fraud, as the hon. Member for Ogmore said, and as others will. A business in my constituency caught online fraud while it was taking place, but when it rang its bank and the Police Service of Northern Ireland, they did not have the expertise to stop and trace the fraud. That should not be the case. The necessary expertise, experience and wherewithal must be in place.

The scams that happen in the constituency of the hon. Member for Ogmore or the Minister, or in my constituency or yours, Mr Hollobone, are the same scams that take place all over the United Kingdom. It is important that the police forces in all four regions interact with one another about scams. Perhaps that already happens, but if it does not, it needs to. Every region of the United Kingdom of Great Britain and Northern Ireland needs to exchange information about new scams, so that others know, and so that the knowledge passes down through the system.

We must have experts available to do what needs to be done—not simply to stop transfers midway, but to trace those who are carrying them out and ensure that they get the maximum sentence for their fraud. The sentences for fraud and for stealing from people need to reflect those criminal activities.

The lady about whom I spoke at the beginning of my remarks has been irrevocably changed by the experience; someone who was outgoing and confident has lost trust, not in her bank, but in herself. The effect on people is not just monetary or financial; it is deeper than that. There are long-term mental and emotional effects. We need to ensure that support is available to tackle the crime, catch the criminals, stop the scams and help the victims.

12.8 pm

Patricia Gibson (North Ayrshire and Arran) (SNP): I thank the hon. Member for Ogmore (Chris Elmore) for securing the debate and for his comprehensive exposition of the matter.

The cost of scamming in our society is undoubtedly huge and cannot be counted only in pounds, shillings and pence, although the financial cost is significant. As we have heard, scamming affects all sections of our communities, but the elderly and other vulnerable members of our communities are at particular risk. The Office for National Statistics predicts that by 2030, the number of

[Patricia Gibson]

elderly people living in our communities will increase by 34% from 11.6 million to 15.7 million, and the number of people living with dementia is set to increase from 850,000 to 2.1 million across the UK.

We should not forget that the impact of dementia and other impairments makes vulnerability much more pronounced and the ability to target an individual repeatedly much more possible. The hon. Member for Westmorland and Lonsdale (Tim Farron) discussed the impact of scams, and it is worth noting that victims of scams are nearly two and a half times more likely to require increased care provision or to die within two years of being scammed. It has also been reported that victims often experience a rapid drop in their physical health after realising that they have been scammed.

Those who perpetrate scams use increasingly sophisticated techniques to scam their victims, in some cases repeatedly. Trading standards, although already hard-pressed, is working on the frontline to do all that it can to safeguard the vulnerable. The most sinister, cynical and cruel aspect of scamming is that it is a criminal activity that targets the most vulnerable in their own homes. The one place where any of us should feel safe becomes the setting for people being conned out of their money, via sales scripts, data collection and sometimes even targeted mail.

The most common telephone scams are cold calls. I am delighted that, despite an unnecessary two-year delay, the Government have finally implemented my ten-minute rule Bill on nuisance calls in full, because there is a huge overlap between cold calls and nuisance scams. The adoption of that Bill is a very good start, but more needs to be done.

As the hon. Member for Westmorland and Lonsdale set out, the impact of scams goes far beyond the financial loss. It is emotional and psychological, and has been shown to have an impact on our wellbeing. The hon. Member for Ogmore pointed out that scams can ruin lives and split up families, with the consequences lasting long beyond the initial trauma of financial loss. Moreover, even when financial losses are comparatively low, scams lead to a breakdown in consumer confidence.

The full effects of the harm caused are difficult to estimate, as—alarmingly—only around 5% of victims report that they have lost money. The average age of a victim is 74 years old and the losses average about £1,000, but many lose hundreds of thousands of pounds. Victims of scams often feel embarrassed and are afraid that their families will judge them to be no longer capable of living alone. For that reason, scams may not be reported, which leaves the victims open and vulnerable to repeat scams. Some people find it extremely difficult even to admit that they have been the victim of a crime.

The scale of the problem and its associated costs are huge. Alongside that, we know that trading standards is struggling to cope, although the work it does is worthy of high praise and demands our respect. I also want to highlight the excellent work carried out by the Credit Industry Fraud Avoidance System, which works to prevent fraud and financial crime through the sharing of confirmed fraud data. Last year, CIFAS prevented more than £1 billion in fraud loss by sharing data across sectors. Its data shows that in my constituency of North Ayrshire and Arran, 278 frauds took place last year and

there were 103 victims of fraud. That is a mere snapshot of the true level of fraud, which is likely to be much higher because of under-reporting.

Scams do more than rob people of their money. They rob them of their confidence; their belief in themselves and in their judgment; their self-esteem; their willingness to trust people; and the help others may be able to offer them. Ultimately, they rob them of their ability to live full, happy, independent lives. Research carried out by Which? shows that what makes us vulnerable to scams is that we are all overconfident about our ability to spot one. Ironically, that overconfidence makes us all the more vulnerable. The gap between confidence and ability is dangerous.

What can we do? I absolutely agree with the suggestion put forward by trading standards that financial institutions should recognise that clients with dementia are by definition more at risk of being scammed and that measures need to be taken to protect that group as a duty of care—I would argue that it should be a legal duty of care. Those who are diagnosed with dementia live with a cognitive impairment, and that must be recognised as we seek to protect them.

The sharing of personal details and information with other organisations should of course require a clear opt-in, as opposed to an opt-out, which is an important tool in the fight against scamming. The normal default position of charities and other organisations should be that personal details are not passed on or shared. Although there is legislation in place, I am not convinced from the evidence I have seen that it is being as rigorously adhered to as it should be.

It is worth noting that about 850,000 people in the UK currently live with dementia and the figure is expected to rise to more than 1 million by 2025. Sadly, the scammer does not see people who need help and are vulnerable; they simply see rich pickings. It is the duty of society to do all it can to protect these vulnerable, elderly people.

Customers should be able to formally notify their bank in writing if they feel at risk and request that all transactions over a certain amount to new payees have a 24-hour delay before being processed. The hon. Member for Strangford (Jim Shannon) discussed his experience of that, and it is time that all banks had a legal duty to do the same. It would give time for the proposed transaction to be challenged and would potentially stop scammed money from leaving a scam victim's account.

Of course, it is not just the elderly who can be rich pickings for scamming. In 2015, almost 24,000 people aged under 30 were victims of identity fraud, up from 15,766 in 2014 and more than double the 11,000 victims in that age bracket in 2010. Fraudsters get hold of their victim's personal information—such as name, date of birth, address, their bank and who they hold accounts with—in a variety of ways, including through hacking and data loss, as well as by using social media to put the pieces of someone's identity together.

Some 86% of all identity frauds in 2015 were perpetrated online, and that figure is rising. Interesting emerging evidence suggests that younger people report losing money to fraud more often than older people, as scams move online. Older people are more reluctant to report being scammed, but when older people are victims of scams, their losses tend to be much greater.

Society, the Government and industry all have a role in preventing fraud. Our concern is that the lack of awareness about identity fraud is making it even easier for fraudsters to obtain the information they need from social media sites. It is important that we all check our privacy settings today and think twice about what we share on social media.

The hon. Member for Westmorland and Lonsdale talked about the closure of bank branches, which is an important point. There is no doubt that banks are trying to force those of us who have chosen not to bank online—I include myself—to do so, not because it is convenient for us but because it is convenient for the banks. I for one will not bank online and I urge those who are not comfortable doing so to similarly resist that pressure.

We have heard today about some eminently sensible and straightforward measures that could be taken by having a more strategic approach. Banks having safeguards for vulnerable people could do much to protect those who are most at risk of scamming—the elderly and vulnerable in our communities. We should also reach out to those of all ages who use social media but do not have the information they need to protect themselves from identity fraud. We could do more to give people information, with education campaigns to better inform people how they can take some responsibility and some simple steps to protect themselves, as the hon. Member for Strangford suggested.

I urge the Minister to reflect on the suggestions that have been put forward to tackle this problem and to confront the situation whereby people are robbed in their own homes—an experience that they subsequently find deeply scarring. The effects are far-reaching. Let us do more to protect the victims of scams—we can do more. The scammers and fraudsters are very creative; we have heard some examples of that today. They are evolving their techniques. We need to be creative and evolve our measures to deal with them. In the end, we are all at risk, so we need to work together to protect our communities. I am very interested to hear what ideas the Minister is going to take forward.

12.19 pm

Nick Thomas-Symonds (Torfaen) (Lab): It is a pleasure to serve under you in the Chair, Mr Hollobone, in the first debate back after the short recess. I pay tribute to my hon. Friend the Member for Ogmere (Chris Elmore) for raising this crucial issue and for his thoughtful and powerful speech, which made a compelling case for greater action by the Government on telephone and other types of scamming.

The scale of this problem is truly breathtaking. Age UK has estimated that up to 5 million people over the age of 65 believe they have been targeted by a scam. South Wales, the part of the country that my hon. Friend and I represent, is a hotspot for these issues. He was right to speak of his local trading standards team and South Wales police. I entirely concur with his comments and support what he says in respect not only of his local authority, but my local authority in Torfaen and Gwent police. There is no doubt that trading standards and other law enforcement agencies would be in a better position to tackle this issue if they had not been subjected to nine years of austerity and spending cuts.

I welcome the work of the joint fraud taskforce, which I look forward to hearing more about from the Minister in due course, and the ban on pension cold-calling that came into effect in January. However, I note that Her Majesty's inspectorate of constabulary said there was a "disjointed and ineffective" national strategy. Therein lies an enormous challenge for the Government in pulling together so many different aspects of a strategy and enforcing it around the United Kingdom.

The hon. Member for Westmorland and Lonsdale (Tim Farron) spoke powerfully about the cases he has seen in his constituency office, and about a crucial issue that should not be missed in this debate: the future of bank branches. At the last general election, my hon. Friends and I stood on a manifesto that sought to change the framework of legal obligations to be considered when closure decisions come to the fore. Nobody is saying that there are not business cases. Footfall is of course important—nobody is denying that—but there are two things to consider. First, the wider social impact of closing branches is often missed. Secondly, if the current rate of branches disappearing from the high street continues, we will end up with deserts in different parts of the country because there are no branches nearby. The hon. Gentleman represents a very rural constituency where I am sure that would be a particular issue, but it applies across all parts of the country and is something that we really need to tackle.

The hon. Member for Strangford (Jim Shannon) spoke movingly about his constituent, a schoolteacher who clearly fell victim to a fraudster who was extremely credible, as I am afraid they too often are. The hon. Gentleman also highlighted a further issue, which I will come back to in a moment: once someone has fallen victim to a scam, what awareness is there of the remedy and the compensation that can subsequently be recovered? In some cases, it is sadly not.

The hon. Member for North Ayrshire and Arran (Patricia Gibson) was absolutely right to highlight the increasing risk to vulnerable people. When we talk about some of the statistics on scams affecting people over 75—I will do so in a moment—we must not forget that anyone of any age can fall victim to such scams. She was right to point out the risk to young people from different types of online scams, including identity fraud, and the importance of being cautious about what is shared on social media and knowing how that information can be used by people who wish us harm.

In its most recent statistics on crime in England and Wales, the Office for National Statistics identifies a worrying trend in these types of cases. The number of fraud incidents, 3.6 million, was up 12% on the previous survey year, driven in part by a 27% rise in consumer and retail fraud. It is vulnerable people who are targeted. Age UK has identified that single older people are more likely to respond than married people, and half of all people over 75 live alone. In addition to that vulnerability, the people who perpetrate such crimes are becoming more menacing and sophisticated in how they set out to defraud people.

A number of aspects of this issue demonstrate the need for a laser-like focus from the Government. There is the classic lottery scam, where people are told that they have won something when they have not. There are Government scams, where groups essentially pretend to be the Government and use that badge of credibility to

[Nick Thomas-Symonds]

carry out their crime. There are also security scams, which were mentioned in earlier speeches, whereby people are contacted by someone pretending to be their bank or some other trusted source.

What are we to do? We have to raise awareness, but it has to be done in a robust, targeted and smart way. People who are victims of scams need to report them, and a number of the speeches picked out that it is often difficult. People perhaps feel embarrassed and do not want to say they have been a victim of this particular type of confidence trick. As my hon. Friend the Member for Ogmore pointed out, that relates to how people are treated when they do speak up, and it is important that best practice on being sensitive to the relevant issues is spread among our police forces.

There are other, practical things that people can do. For example, the Royal Mail can stop unaddressed mailings in the post if people register for that service. There is also the issue of data protection, which is covered by both the Data Protection Act 2018 and the General Data Protection Regulation. The Information Commissioner's Office, to which I often direct constituents who are worried about what has happened to their data, is an oversight body. If people are concerned about the retention of their data, they should be encouraged to go to that scrutiny body.

The hon. Member for Strangford raised the question of what remedies there are when someone falls victim to one of these confidence tricks. There is the Consumer Credit Act 1974, and people often forget that credit companies are jointly and severally liable even if the breach or misrepresentation is by the person doing the selling. The Act applies only to sums between £100 and £30,000, but that is none the less one remedy. There is debit card chargeback and the authorised push payment voluntary code, to which the hon. Member for Westmorland and Lonsdale referred. I praise the work of consumer groups on raising awareness of those remedies. It is something that we really need to focus on, so that people are aware that should they fall victim and lose substantial amounts of money—one of the cases mentioned in the debate involved around £50,000, which is a huge amount of money—there are routes they can go down to try to recoup at least some of their losses.

There was an excellent Library briefing for this debate, and I pay tribute to the Library staff who produced it. The Government really need to look at how they collect statistics in this area. Where they do collect statistics, is there a way of breaking them down into types of scams? Are they online or telephone scams? I have raised this point with Ministers before, and I appreciate that there is always a balance. They cannot collect every single statistic, but if statistics were collected on what the fastest-growing risk was, the Minister would be more able to target Government policy to reduce it.

It is crucial that we bring together a robust strategy all over the country. We need more resources for our law enforcement agencies, but they also need a consistent strategy that pushes back against the fraudsters who target our constituents. To use the words quoted by my hon. Friend the Member for Ogmore, the victims might not “bang, bleed or shout,” but great misery is certainly caused to them by this crime. The Government have to rise to the challenge.

12.29 pm

The Parliamentary Under-Secretary of State for the Home Department (Victoria Atkins): It is a pleasure to serve under your chairmanship, Mr Hollobone. I thank the hon. Member for Ogmore (Chris Elmore) for securing this debate. He and other hon. Members have campaigned consistently on this extremely important subject. I thank all hon. Members who made contributions. As the hon. Member for Strangford (Jim Shannon) said, this issue affects each and every constituency, and we all know someone, whether personally or professionally, who has been a victim of a scam or an attempted scam.

The examples that hon. Members gave show the range of scams that criminals can pursue and the range of people who can be victims. We rightly tend to focus on the most vulnerable—particularly the elderly, who are exploited by fraudsters because of their age and, the fraudsters assume, their frailties—but as the hon. Members for Strangford and for Westmorland and Lonsdale (Tim Farron) highlighted, these scams are not restricted to the most vulnerable. They are now so sophisticated that they can take in people who would ordinarily think that they are able to withstand such efforts. The methods that fraudsters use include playing a recording of a call centre in the background so it sounds like they are calling from a large call centre, which reassures the victim that the call is legitimate. There are huge challenges, not just for law enforcement, which must respond robustly, but for us as individuals. We must ensure that we are as knowledgeable as possible about these scams to protect ourselves, those we care for and those we think may be vulnerable. I will go into that in a bit more detail in due course.

The Government take this harm extremely seriously. Fraud is the second most prevalent crime in England and Wales. The crime survey estimates that there were 3.6 million frauds in 2018. Victims can suffer serious financial and emotional harm, and the money that fraudsters make can fund other serious organised crime. Although we have made substantial progress, the Government's efforts to tackle scams and fraud in general are focusing on three areas: the policing response to fraud, reducing vulnerabilities, and the care and service that victims receive.

We are clear that the law enforcement response to fraud must improve. The previous Home Secretary, my right hon. Friend the Member for Hastings and Rye (Amber Rudd), requested that Her Majesty's inspectorate of constabulary and fire and rescue services conduct an inspection of the police response to fraud because we wanted a much clearer view of how fraud is being investigated and what improvements are needed. The inspectorate's recent report highlighted key weaknesses in the police response, suggesting that significant improvements are required to ensure the efficient and effective operation of the current fraud policing model. In practice, that means local and, increasingly, regional investigations, supported by national functions.

The hon. Member for Strangford rightly said that fraudsters do not recognise geographical boundaries. On his point about the UK-wide response, we very much recognise the need to develop a national policing strategy for fraud, which will address, for example, how the Police Service of Northern Ireland can link with the overall national strategy. The City of London police is the national lead force for fraud and serves as a national

centre for the collection and sharing of intelligence across the four regions of the United Kingdom. We very much take on board the hon. Gentleman's point about the cross-border implications for the internal borders in the United Kingdom.

The inspectorate's report and 16 recommendations demonstrate that the policing response to fraud must improve. My right hon. Friend the Minister for Security and Economic Crime, who apologises for not being able to be present today, takes this matter extremely seriously. He expects that the report will be taken seriously by chief constables and police and crime commissioners alike. We are working with the police and other law enforcement agencies to take forward those recommendations and challenge fraud at a national, regional and local level. The shadow Minister rightly asked about the statistics. I will take that point back to the Minister for Security and Economic Crime.

Let me turn to reducing vulnerabilities. In addition to improving the police response to fraud, we must also address the vulnerabilities in systems that fraudsters exploit if we are to make the UK a harder target for fraudsters. The hon. Member for Ogmore gave the example of a fraudster citing the DWP in a scam that one of his constituents suffered. We recognise that the Government and law enforcement must work closely with the private sector, as well as with each other. Agencies such as Her Majesty's Revenue and Customs are leading the way in the fight against online and phone fraudsters and are working relentlessly to close tax scams and raise awareness.

In the previous financial year, HMRC reported more than 12,000 malicious websites for takedown, recovered hundreds of misleading HMRC-branded domains, initiated the removal of hundreds of phone numbers used to perpetrate HMRC-related phone scams, and increased education efforts to ensure that the general public are aware that people may use HMRC's or other agencies' branding to try to extract their much-needed and carefully saved savings and income. Those education campaigns are being run by the media, television and newspapers. In 2016, HMRC identified a significant increase in the number of customers receiving malicious HMRC-branded texts. With the phone industry, it piloted award-winning controls that resulted in a 90% reduction in reports of such scams. The lessons learned from that are being scaled into a solution for the whole of the United Kingdom. As was reported at the weekend—hon. Members mentioned this—HMRC is deploying new controls to put an end to fraudsters spoofing the tax authorities' most recognisable helpline numbers.

Nuisance calls are a source of extreme irritation for many, but for the most vulnerable they can also be incredibly stressful and harmful. We have taken a range of actions to reduce the number of nuisance calls. We have banned cold calls from personal injury firms and pension providers, as hon. Members noted. The hon. Member for Ogmore asked for an update. I will ask the Minister for Security and Economic Crime to write to him about that. It is very early days, but hopefully we can provide some information to him.

We have also introduced director liability for nuisance calls, and we are supporting national trading standards in rolling out call-blocking devices to vulnerable people. Members of Parliament have a real opportunity to help

our constituents to understand the ways in which scams can operate and what we can do to protect ourselves against them. I recommend the Take Five to Stop Fraud scheme—a joint awareness campaign run by the Government and UK Finance, which provides simple advice to prevent people from falling victim to scams. The key message is that people should take their time when making a new payment, because fraudsters will try to rush them, as some of the very sad examples highlighted in this debate show.

The response to scams and fraud in general requires a collaborative, innovative response, because as we catch up with criminals, they will find other ways of exploiting technology to present new challenges and find new ways to steal people's money. That is why the Government created the joint fraud taskforce: to better protect the public and businesses from fraud, reduce the impact of fraud on victims, and increase the disruption and prosecution of fraudsters. We continue to work with the taskforce to build on successful initiatives, such as the banking protocol—it has been discussed today—which is a code of practice to help banks to identify victims and alert law enforcement. It has prevented more than £48 million from falling into the hands of fraudsters and has led to more than 400 arrests.

We also welcome the publication of the voluntary industry code. It marks a significant step forward in the fight against authorised push payment frauds, which involve tricking customers into sending money to fraudsters via a payment service provider. To give an idea of the scale of the task, in the first half of 2018, consumer losses from APP scams amounted to around £145.4 million, of which just under £31 million was repaid to customers. The code will ensure that sending and receiving payment service providers will take steps to protect their customers, including with procedures to detect, prevent and respond to APP scams, with greater protection for customers who are considered vulnerable to that type of fraud.

The hon. Member for Westmorland and Lonsdale asked about the retrospectivity of the code. Again, I will raise that with the Minister for Security and Economic Crime. There are no plans to force banks to apply the code retrospectively, but there are certainly no rules or laws in place that prevent banks from making good-will payments. We also encourage victims of APP scams who have not been compensated by their bank to lodge a complaint with the financial ombudsman.

As the hon. Member for Strangford said, the code is voluntary, but to reassure hon. Members, the current signatories of the code cover approximately 85% of APP scams, and the Payments Systems Regulator, which leads the development of the code, actively encourages banks to sign up, as does UK Finance. In addition, the Financial Ombudsman Service will take the code into consideration when determining cases, regardless of whether the bank in dispute has signed up to the code.

On the other work that the payments industry does to prevent APP scams from occurring in the first place, the confirmation of payee service is the industry-agreed way of ensuring that names of recipients are checked before payments are made. Essentially, it is an account name checking service that can help to avoid the misdirection of payments. The industries developing the service say that it can be implemented by payment providers during the course of this year.

[Victoria Atkins]

Regulators and industry are taking further action to increase payment security and reduce fraud via stronger customer authentication. From 14 September this year, rules supplementary to the second payment services directive will apply, meaning that payment service providers such as banks will be required to apply more security measures to large transactions, and customers may be asked to provide more credentials. That could reduce some types of fraud by up to 30%.

It is also right that we look at the service provided to victims of scams and fraud. Two economic crime victim care units have been established to better identify vulnerable victims of fraud and ensure that they are provided with the right level of support. That includes practical advice, support and guidance to help victims to cope and to prevent them from again falling victim in future. The units have been trialled in the Greater Manchester and West Midlands Police force areas, and an assessment will be completed this year to help to measure the impact of the scheme.

With funding from the Home Office, National Trading Standards has piloted local multi-agency hubs to ensure that victims of fraud receive support from the local agency best able to provide it, whether that be the police, social services or charities. At the risk of boasting about my own county, in Lincolnshire—one of the pilot areas—the local police, National Trading Standards and a health trust have worked in partnership to train 1,000 health and social care professionals to identify and support older people who have been, or may be, the victims of doorstep crime and scams.

A strategic action plan has been developed by Victim Support and National Trading Standards, with Home Office support, to ensure that the service received by fraud victims is rapid, appropriate and consistent, and takes into account any specific needs that they may have that might make them particularly vulnerable or susceptible to fraud. The joint fraud taskforce is working on a technical and regulatory framework to ensure that more fraud losses can be returned to victims. Work is also being undertaken to test the technology that can trace the movement of funds back to their source. The next step will be for banks to agree ways of operating that

allow for the freezing of funds, a system of dealing with disputes and, ultimately, the return of stolen funds.

We all take this threat very seriously. The responsibility is shared by all concerned agencies, both in the public and private sectors, which is supported by civil society. I am extremely grateful to the hon. Member for Ogmore for providing the opportunity to discuss this fraud, innovative ways of tackling it, and ways to ensure that the Government's steps are monitored and have the impact that we wish them to have. This is a piece of work that, I am delighted to say, many colleagues across the House, not all of them here today, have shared in common to ensure that the financial and social damage that such invasive crime inflicts on some of our most vulnerable citizens is tackled and stopped.

12.47 pm

Chris Elmore: I am exceedingly grateful to the hon. Members for Westmorland and Lonsdale (Tim Farron) and for Strangford (Jim Shannon) for their contributions, as well as to the SNP spokesperson and the shadow Minister. I thank the Minister for stepping in for the Security Minister. I do not doubt for one second hers or the Security Minister's sincerity in trying to tackle what should be a cross-party issue. No one wants to see constituents defrauded in any way. Certainly, I know that we all want to work constructively to resolve those issues. In the Minister's typical style, it was refreshing of her to acknowledge that problems still need to be resolved, but that she is trying to do her bit within her portfolio, while encouraging other Home Office Ministers to find a way forward.

I sincerely believe that there is more to be done, and I hope to continue—over my next 18 months as an MP and in future—raising the profile of this issue, working with Ministers and those on the Opposition Front Bench, to ensure that we have robust processes in place to protect our constituents and get ahead of the scammers, rather than what feels like forever catching up with them.

Question put and agreed to.

Resolved,

That this House has considered telephone and online scams.

12.48 pm

Sitting suspended.

Suggitt's Lane Level Crossing

Mr Philip Hollobone (in the Chair): This debate will consider the important subject of the closure of Suggitt's Lane level crossing in Cleethorpes. I call Martin Vickers.

1 pm

Martin Vickers (Cleethorpes) (Con): I beg to move,

That this House has considered the closure of Suggitt's Lane level crossing, Cleethorpes.

It is a pleasure to serve under your chairmanship, Mr Hollobone. As you say, this debate concerns a very important subject. Although it relates specifically to Suggitt's Lane crossing, it should be considered in the broader context of the accountability of Network Rail, a nationalised company that, on this issue, seems to be unaccountable to the Secretary of State of its sponsoring Department.

In theory, Network Rail can be held to account in a number of ways. The Office of Rail and Road monitors health and safety, has a role in determining the public funding that Network Rail receives and sets certain objectives. Andrew Haines, the company's chief executive, is personally accountable to Parliament for Network Rail's use of taxpayer's money, and the Secretary of State for Transport holds some power over the board's leadership and management of the business, but accountability on issues that can have a significant impact on local communities seems to be totally absent. For it to be so independent that it is wholly unaccountable and free from adequate scrutiny on such matters as the Suggitt's Lane issue clearly is unacceptable. If Network Rail is able to dismiss the representations of local residents, councils, Members of Parliament and even the Secretary of State, surely it is time to revisit its structures. That should not and cannot be allowed to continue.

Until recently, the level crossing allowed hundreds of local residents every day to pass quickly and easily to the north promenade of the east coast's premier seaside resort, without the hassle of a bridge. Let us consider the figures: according to Network Rail, 570 pedestrians and cyclists use the crossing each day. That figure undoubtedly will be higher at weekends and during holiday periods, but even assuming that it is a constant 570, that amounts to 208,050 per annum, which equates to over 2 million in 10 years. According to Network Rail's figures, in 10 years, there have been just 15 near misses. A near miss must meet specific, closely defined criteria. I will return to those figures shortly.

The proposed closure was first drawn to my attention in a letter from the route managing director, Rob McIntosh, of 3 January. Later that month, Network Rail wrote a similar letter to the then leader of North East Lincolnshire Council, Councillor Ray Oxby, informing him that it had taken the decision to close the crossing—not to consult about it, but to close it. That decision was made before any consultation with local residents, the council or me. In that letter, the route managing director either exaggerated the case or was ill informed when he stated that the crossing was very dangerous, and outlined that over 50 freight and passenger trains traverse the crossing every day at speeds of up to 60 mph.

Let us remember the figure of 15 near misses in the last 10 years. Does that qualify as "very dangerous"? For the record, there are three trains per hour Monday

to Friday, one in each direction, on the Manchester service, and the two-hourly service to Barton-on-Humber. In other words, there are three trains an hour almost every hour of a weekday. On Saturdays, there are six extra movements, with services to Sheffield via the Brigg and Gainsborough route. Incidentally, four years ago, a new footbridge was erected at Brigg station. No doubt, that improved facilities for a handful of passengers each Saturday, but the logic of spending thousands on the project is at the very least another example of Network Rail's questionable priorities.

As for freight trains travelling at 60 mph, not a single freight train is in operation on that part of the line. Trains reduce their speed on the approach to the station, and immediately after passing the level crossing, the speed limit falls to 30 mph. Why not reduce the speed before the level crossing? Trains leaving the station do not have time to reach a high speed, so why not allow them to travel slowly, at 20 or 25 mph, until they have crossed Suggitt's Lane, which is only a quarter of a mile away?

I raised those discrepancies with the Network Rail representatives in a meeting in March, but they seemed to be of little concern to them. In fact, one of their representatives was forward in telling me that given the opportunity, they would quite happily close every level crossing in the country—a laudable but wholly unachievable aim. Unfortunately, although the crossing has been in constant use by members of the public for 150 years, there seems to be no right of way, so Network Rail has been able to close it. It highlighted a pedestrian bridge a little down the line at Fuller Street and argued that it was a suitable alternative for local residents. It may be suitable for the able bodied, but not for the disabled and those with prams and the like. If it did occur to Network Rail—I am sure it did—that a bridge somewhere down the line would pose a great inconvenience for local residents, it chose to dismiss the issue. It is the lack of disabled access that has been the concern that constituents have raised most frequently with me in recent weeks.

Over the last few months, I have been in frequent contact with Network Rail in writing and in meetings, but no progress has been made. I have raised the matter in the House on five occasions in the last couple of months, and have secured the support of the Under-Secretary of State for Transport, my hon. Friend the Member for Harrogate and Knaresborough (Andrew Jones), who is in his place, who asked Network Rail to review its decision. He and I met Network Rail representatives on Monday 8 April to make the case further. They agreed to consider reopening the crossing while they review their plans. I presented a petition to the House, organised by Cleethorpes-based DN35 CrimeWatch, which was signed by over 4,000 local residents who oppose the closure.

Late in April, I had the opportunity to make representations directly to Andrew Haines, the chief executive of Network Rail. I pressed him on the situation and argued that, at the very least, the crossing should be reopened while a review takes place. He promised that he would personally look into the issue, which he duly did and wrote to me to say, "No change." In a matter of days, I discovered that Network Rail had erected a permanent barrier at the crossing to make it impossible

[*Martin Vickers*]

for pedestrians to cross. Clearly, it did not consider the recommendation of reopening very seriously, or in any great detail.

The response from Network Rail to date has been disappointing, but I remain committed to the campaign, and will continue to support local residents, who I am glad to see in the Public Gallery, in their objections to this heavy-handed and ill-advised decision. According to Robert Wainwright, head of level crossings at Network Rail, the UK has one of the best level crossing safety records in Europe. That is especially remarkable as our country has one of the most intensively used rail systems in the world.

Five years ago, the Select Committee on Transport, of which I was a member at the time, produced a report on level crossing safety. I draw hon. Members' attention to two of its recommendations. The first stated:

"We recommend that Network Rail address criticism of its apparent preference for footbridges as replacements for level crossings and explain what assessment it makes of the impact on disabled people of replacing level crossings with footbridges rather than underpasses."

The second stated:

"We are concerned that the proposed appeal mechanism for closure orders, using judicial review, will be out of reach for ordinary people and, increasingly, local authorities. We recommend that the DfT consider using alternative dispute resolution, such as mediation by the Office of Rail Regulation".

Melanie Onn (Great Grimsby) (Lab): Did the Committee not also state in its recommendations that it considered there was merit in applying a public safety test to any diversionary route that may result from the closure of a level crossing? Is the hon. Gentleman aware of whether Network Rail followed that recommendation in this situation?

Martin Vickers: I certainly recall that point. I have to confess that I do not know whether it has been followed through. We will wait to see whether the Minister is able to confirm that.

I understand that in the past decade, Network Rail has made a great deal of effort to improve the safety of level crossings. Initiatives such as the introduction of level crossing managers and ever-improving technology have proven successful in improving behaviour at level crossings. From a practical perspective, technology is probably the most effective means of changing outcomes. It is a huge factor in the reduction of deliberate misuse and human error across the country. I see no reason why Network Rail could not implement technology to aid pedestrian decision making at Suggitt's Lane. Perhaps it could include supplementary audible warnings and overlay miniature stop light solutions.

In September 2013, the Law Commission published a report and a draft Bill containing a series of recommendations aimed at improving the safety and regulation of level crossings. Its suggestions included providing tools to support health and safety regulation, including level crossing plans and enforceable agreements between railway operators and other duty holders, and giving the Secretary of State the power to issue directions if necessary. Those proposals, if properly implemented, have the potential to make level crossings much safer, so that Network Rail feels less incentivised to close them on a whim.

Clearly, a vast number of alternatives to closure are available to Network Rail. I have no doubt that this decision was taken as it was the easiest and cheapest option. There was no need for Network Rail to take into consideration the trouble the closure would cause elderly and disabled residents, given the lack of powers for any person or institution to hold it to account. That is unacceptable, and it must change.

Installing a modern footbridge with disabled access at Fuller Street would prove extremely expensive. Whether the funding for that came from the owner of the bridge, North East Lincolnshire Council, or from Network Rail, it would be public money. I question whether public money should be spent on eliminating a theoretical risk at Suggitt's Lane when there are thousands of level crossings, many with trains passing at 125 mph, where the money could be better spent.

I referred to the 15 near misses to which Network Rail referred. Remember, that is 15 near misses in 10 years, during which time more than 2 million people will have passed over the crossing. On 9 April, Mr Ian Stuart from the Rail Accident Investigation Branch emailed one of the local campaigners, Lynn Sayles. He wrote:

"We have reviewed our records from when we were established in October 2005 and have found details of only one Incident at Suggitt's Lane level crossing, which occurred on 13 January 2011. The circumstances of this particular case were unclear, but involved an individual being found with an injury in the vicinity of the crossing. However, there was no direct evidence that the injury had actually been caused by a train. The RAIB received no formal notification from the industry about the accident and the circumstances could not be substantiated so no further action was taken."

Only one of the 15 near misses was considered significant enough to involve the RAIB. That is one near miss, in which the circumstances could not be substantiated, against more than 2 million crossings. Why close the crossing and cause massive inconvenience on the basis of those results?

Of course people should not trespass on the railway, and of course people should not act foolishly, but, sadly, some do. We all suffer to some extent as a result, but in this instance the massive inconvenience simply is not justified. Anyone who is determined to trespass on that stretch of railway can go along to Cleethorpes station at any time of the day or night and wander down the platform and on to the track.

I urge Network Rail to do the right thing: to admit that it has not fully appreciated the strength of local feeling, that full, proper and meaningful consultation should take place, and that while those discussions happen, it should reopen Suggitt's Lane crossing. My plea to the Minister is that he uses his good offices to find a solution.

Mr Philip Hollobone (in the Chair): I am pleased to call Melanie Onn, but I will need to call the Minister no later than 20 minutes past 1 o'clock.

1.14 pm

Melanie Onn (Great Grimsby) (Lab): I thank the hon. Member for Cleethorpes (Martin Vickers) for generously allowing me a few minutes to add my voice to those of the campaigners who crowdfunded to get here to participate in the debate, such is the strength of their feeling.

It is really important to acknowledge that any death on our railways is a tragedy. Of course that must be avoided, so I completely understand the desire to close dangerous level crossings, particularly where there is a real risk to life. However, this issue is not about a genuine risk; it is about a perceived risk. It is about an attempt to solve a problem that does not exist—an attempt that has caused huge disruption and upset to residents across north-east Lincolnshire.

The risk is actually worse now that people with bicycles and people with mobility problems have to cross a bridge that is not really suitable for that. In fact, young William, who has joined us in the Gallery, recently fell down that bridge trying to take his bicycle across it. Has Network Rail given that any consideration? I suspect not, because now it has displaced the risk, it has become somebody else's problem.

Having been asked about risk assessments, Network Rail conveniently says there is no need for it to do them because this is not a public access route. However, it drafted factually incorrect risk assessments to support the decision to close the crossing, as the hon. Member for Cleethorpes said. Network Rail says there is no public right of way, but it has previously written to members of the public and local authority planners in support of Suggitt's Lane crossing becoming a right of way.

As recently as September 2018, Network Rail confirmed in writing that there were no plans to close the crossing, yet within just three months, without providing any details or timeframe to the public, and without even responding to the former council leader's concerns, it closed it. After 150 years, despite the fact that more than 500 people a day use the crossing, Network Rail has walked away, saying it has no need to take any account of the impact it has caused to the local community.

We heard about the RAIB's assessment. Is there something in that that we need to consider? If there have been so many near misses that Network Rail considered to be so important, why did it not report them to the RAIB? Network Rail has published various documents about the risk of the crossing, which are completely inconsistent. One gives the crossing a risk status of D2, but another puts it in the extremely low M13 category. The recent risk assessment was produced and published just four days before the closure, but that was months after the hon. Member for Cleethorpes, the leader of the council and I were notified in writing of the decision. What on earth was the point of doing that assessment if Network Rail had no need to do risk assessments in the first place?

Network Rail says it has given safety talks to schools. It can provide no evidence of that. It says it participated in local safety events. It holds no records of those. It says it has communicated with local residents and businesses about safety issues. It has no evidence of those letters. How is it possible that a public body can be so utterly incompetent, seek embarrassingly and obviously to pull the wool over the eyes of members of the public, and be in a situation where it not only ignores its own mission statements about accountability but has no transparency whatsoever in its decision making? It has left campaigners, such as those in the Gallery, with just the very expensive route of a judicial review.

There is a similar situation with the Angerstein Wharf crossing in Greenwich. Network Rail has had the good grace to listen to the leader of the council, the MP and

the community, and to delay the closure of that crossing. If that is possible for Greenwich residents, why is it not possible for Grimsby and Cleethorpes residents? I think Network Rail hopes to get away with this, but this is a warning. The campaigners, who are here today, are dogged and tenacious. They will not give in. Network Rail might hope for an easy exit, but that will not happen.

I echo the comments of the hon. Member for Cleethorpes. I urge the Minister to use his considerable influence on Network Rail to insist on a proper consultation, and to recognise the hard work of campaigners such as Lynn Sayles, Robert Palmer and Councillor Debbie Rodwell, among others, as well as the impact on local businesses, disabled people, families and the elderly, who all rely on this crossing.

1.20 pm

The Parliamentary Under-Secretary of State for Transport (Andrew Jones): It is always a pleasure to serve under your chairmanship, Mr Hollobone. I congratulate my hon. Friend the Member for Cleethorpes (Martin Vickers) on securing this important debate. We should also recognise and thank the local residents who have come down to observe the debate for their perseverance in raising this important issue—and their perseverance in getting into the building when it is pretty lively outside. I will talk briefly about the railway more broadly and level crossings in general before addressing Suggitt's Lane.

We must recognise that rail is a critical part of our national economic infrastructure, offering safe journeys to work and facilitating business and leisure travel. It also moves millions of tonnes of freight around our country, relieving congestion on our roads. We are seeing a real boom time in the rail industry, with passenger numbers having doubled since privatisation in the mid-1990s.

I want to see more progress made, with that success built on by improving and extending services wherever viable, as well as ensuring that we see more frequent and better services to places such as Cleethorpes, which is a point my hon. Friend has made to me many times. He is a champion of this issue, particularly on a direct service to London, which was the subject of our last meeting. However, the growth in rail and rail freight comes at a cost: a more heavily used network can bring greater safety risks to passengers and the public, particularly at stations and level crossings, and that leads to difficult choices for Network Rail to make as it seeks to deliver faster and more frequent services; of course, it must not compromise on safety while doing so.

There are no easy solutions. I recognise the responsibility that Network Rail has in making operational decisions as the duty holder for Britain's railway infrastructure—indeed, Ministers cannot overrule decisions made on safety issues—but the point raised by Members about accountability was well made. I will take that away from the debate.

There are 7,000 level crossings across our mainland rail network, with different types of crossing based on the different levels of risk. These range from open passive crossings, with no barriers or gates, for where trains are infrequent and speeds are low, to crossings with full barriers monitored by CCTV and with telephones.

Level crossings of whatever type are safe when used correctly. Absolute safety may be an impossible goal—we should aim at it, though—but it is important that the

[Andrew Jones]

right type of crossing is used at a location to achieve safety with minimum delays to the surrounding community, whether on foot or on wheels. The factors that are taken into account include the speed and number of trains; the volume and type of road traffic; the nature of private use; the number of pedestrians; and the location itself. Clearly decisions have to be made locally, because what is appropriate for a quiet country road is totally different from that for a busy urban area.

Ninety-six per cent of accidents at level crossings are considered to be caused by either driver or pedestrian action, whether intentional or unintentional. Safety, therefore, clearly can be compromised in this area. Statistics show that the safety record of level crossings in this country is among the best in the world, but we always seek ways to improve safety.

Level crossings now represent the single biggest source of risk of train accidents—those with the potential for multiple deaths. I therefore agree with Network Rail's initiative to minimise the number of level crossings on the network, but that must be done in a proportionate way that takes people with it. Network Rail has to focus on improving the operation and maintenance of level crossings; a risk assessment programme to identify where additional action may be needed, which certainly includes the safety impacts of any diversionary routes; measures to promote the safe use of level crossings; and, where feasible and appropriate, closing crossings altogether if the opportunity arises.

Let us focus on Suggitt's Lane, which Network Rail told me it decided, with a heavy heart, to close permanently. That is in line with its statutory duties as the managers of our rail infrastructure. On the legal position, Suggitt's Lane was established as a private level crossing to serve a local fishing business in, I believe, the 1860s. That business has ceased, and there was no public right of way at that crossing; it was just for the business. That position was confirmed in discussion with North East Lincolnshire Council and in Network Rail's own investigation.

Let me explain what brought Network Rail to its decision. It observed a number of potentially fatal incidents at the level crossing, including young children crossing unattended, people walking on the tracks and motorcyclists using the crossing. My hon. Friend and the hon. Member for Great Grimsby (Melanie Onn) highlighted the 15 near misses recorded in the past 10 years, which are in addition to those examples. Evidence suggests that other incidents may have gone unreported.

Melanie Onn: Does the Minister accept that only one incident has been recorded with the RAIB, and that was back in 2005?

Andrew Jones: I recognise that point. The RAIB records are clear—that is the truth—but we always try to avoid the need for the RAIB to get involved, because its involvement means there has been an accident. This is about trying to ensure that accidents do not happen.

Network Rail has concluded that, having taken action with the British Transport police to improve public awareness and use of that crossing, no infrastructure can be installed to address its concerns. As my hon.

Friend the Member for Cleethorpes will be aware, Network Rail held a public information event on 22 March at which it explained that, in its view, closure was the most effective option for ensuring the safety of the public.

From comments in this place, from media coverage in the local paper, which I have looked at, and from the fact that people have made a great effort to join us at this debate, it is clear how the closure has affected local users, how strongly people feel about that, and how it has also affected some businesses on the promenade. I understand that entirely. To balance against that, I also understand why Network Rail made this difficult decision. It is not a straightforward matter, and there is no ideal alternative.

I am aware of the provision at Fuller Street footbridge and recognise the point, which was well made by my hon. Friend, about the lack of access there for people with reduced mobility. It was interesting to learn that that is a significant concern among his constituents. My hon. Friend chaired a meeting last Friday with Network Rail and North East Lincolnshire Council to discuss the options for that bridge in more detail. I understand that Network Rail has agreed in principle to contribute to enhancing the bridge, should that prove viable, and that it and the council will send engineers to review the bridge in the weeks ahead.

Martin Vickers: Will the Minister give way, just for 10 seconds?

Andrew Jones: Yes.

Martin Vickers: Will he acknowledge that it would be wasteful to spend any public money on that project, because the risks are so minimal? The money should be spent where there is more risk.

Andrew Jones: We have obligations to keep our rail network as safe as possible. The definition and calculation of risk is a key factor in deciding where money is spent. It is important that we have a dialogue between the local council and Network Rail to look at all the options and come to an effective permanent solution, which can and must be found. That could mean work at Fuller Street or other areas, but I want to ensure that people are talking locally about a local solution to a local problem.

The challenge has been well articulated by Members. Network Rail will have been following the debate, and I will ensure that it picks up the content of our discussions and addresses the concerns that have been expressed. I will write to both hon. Members and, through them, to their constituents.

We have a difficult situation where a local community has been affected by an organisation charged with safety seeking to improve safety. In this case, we are not seeing what an agreement might look like. That is of some regret, but we must work harder to try to reach a solution that all sides will be happy with, keeping the community together and making sure that people can travel safely in and out of Cleethorpes.

Motion lapsed (Standing Order No. 10(6)).

1.30 pm

Sitting suspended.

Trade Union Access to Workplaces

[SIOBHAIN McDONAGH *in the Chair*]

4.30 pm

Faisal Rashid (Warrington South) (Lab): I beg to move,

That this House has considered trade union access to workplaces.

Working people in the UK can thank our trade unions for fighting to give us the minimum wage, parental rights, holidays and sickness pay. With nearly 6.5 million members in the UK, trade unions are our largest voluntary and democratic organisations. Trade unions are on the frontline every day, fighting poverty, inequality and injustice, and negotiating a better deal for working people. This role has never been more critical than it is today, with in-work poverty on the rise and zero-hours contracts widespread, but a barrage of anti-trade union legislation over the past decade has meant that workers have found their ability to organise and take industrial action to challenge these injustices greatly restricted.

Under existing legislation, huge multinational companies such as Amazon and McDonald's can employ legions of low-paid, insecure staff, often in terrible working conditions, all while turning record-breaking profits. It is boom time for large multinational companies, but their success is not passed down to employees. With British workers facing an uncertain and exploitative job market, trade unions are the perfect tool to make these workplaces fairer.

Ged Killen (Rutherglen and Hamilton West) (Lab/Co-op): I congratulate my hon. Friend on securing this important debate. Does he agree that it is a real pity that some big employers do not see the benefit of having an organised workforce, which facilitates better industrial relations, improves dialogue between employers and employees, and is better for staff morale and for keeping staff turnover low?

Faisal Rashid: My hon. Friend makes an excellent point, which I will come to later in my speech. If employers look after their employees and they are happy, then they are more productive; in the end, everybody wins. That was a great point.

It is no exaggeration to say that working conditions at large multinational companies are, at times, reminiscent of the deplorable practices of the 19th century. Workers have recounted having to urinate in bottles for fear of being disciplined for a toilet break and heavily pregnant women report being refused permission to sit down for a break during 12-hour shifts. How can we allow this to happen in the UK in the 21st century? I have spoken to countless trade union officials who tell me that, despite the widespread desire for improved rights and conditions at work, efforts to unionise staff in such workplaces are often fruitless.

In large part, that is because there are currently no rights of access for trade unions to enter the workplace and speak to workers for the purposes of recruitment. Workers at Amazon have had their shift patterns interrupted and randomised simply to prevent them from talking to union officials on the way into work. Union representatives visiting branches of McDonald's across the UK to

speak to workers about the benefits of joining a trade union are routinely thrown out of stores, with their presence reported to senior regional managers.

When I raised these issues in Parliament several weeks ago, both Amazon and McDonald's responded by denying that these practices were taking place in their stores. McDonald's stated:

"We strongly dispute the notion that we are asking people to leave our restaurants based on their membership of a union. If anybody comes into a restaurant with the sole intention of disrupting our people while they work, or customers while they eat, we would ask them to leave regardless of their reason for causing disruption."

Does that attitude not sum up the problem with the current legislation? The crucial work of our trade unions is simply a nuisance to these companies and is getting in the way of their exploitative practices and profiteering. The current laws simply let them get away with it.

Laura Smith (Crewe and Nantwich) (Lab): Does my hon. Friend agree that our highly restrictive trade union laws and low collective bargaining coverage have helped to make the UK one of the most unequal countries in Europe and the OECD in terms of income inequality, and that guaranteeing trade union access to all workplaces would be a moderate and practical step in addressing these issues?

Faisal Rashid: Absolutely; that is an excellent point. I could not agree more.

Union members from the Bakers, Food and Allied Workers Union have recounted stories like that of Mohamed's, a worker from north London, who was excited at the prospect of working alongside his colleagues to improve basic things at work, like getting his shifts 10 days in advance so that he could plan his life. Because of those efforts, he was informed by the management that he was banned from every McDonald's store in the area. I note that in its statement McDonald's did not dispute that account.

In its response, Amazon stated:

"If you want a true assessment of our working conditions just register for a tour at one of our fulfilment centres."

A registered, company-sanctioned tour—effectively a corporate PR exercise—would hardly paint an accurate picture of working conditions at Amazon. Let the figures speak for themselves: from 2015 to 2018, a shocking 600 ambulance calls were made to Amazon warehouses. I have visited an Amazon warehouse in my own constituency in the past; the technology on show was indeed very impressive, but that hardly gives an accurate account of what it would be like to work a 12-hour shift in the warehouse. Nevertheless, I am happy to take Amazon up on its offer of another visit. Would I be able to bring representatives from the GMB union with me? Until now, many of them have consistently been denied access to the workplace.

It is not just Amazon and McDonald's; these practices are widespread, particularly in poorly paid jobs. In its recently published report on InterContinental Hotels Group, Unite the union documented a workplace culture of fear and bullying, with management pressurising low-paid staff into working for eight to 10 days straight. IHG employees and subcontracted employees have been

[*Faisal Rashid*]

routinely denied the right to freedom of association and have stood little chance of exercising their right to collective bargaining.

Rachael Maskell (York Central) (Lab/Co-op): I am grateful to my hon. Friend for calling this debate. While making the case about large employers, will he acknowledge that there is a lot of exploitation of workers by small employers, particularly bullying and harassment, and that they also shut their doors to trade unions? That is to the detriment of small employers, as well as to the detriment of their staff.

Faisal Rashid: I thank my hon. Friend for that brilliant point. It works for all stages in every sector, regardless of the size of the business. If large organisations practise fairly, it will filter down, especially through subcontractors. It is the responsibility of large businesses to show smaller businesses what they are doing. If they follow the right practices, that will filter down to subcontractors. Perhaps larger businesses could have some kind of contract to make sure that their subcontractors look after their employees in the same way as they do. Large businesses have to set a precedent.

Union members are vulnerable and live in fear of reprisals from their employer. Bupa is one of the largest and highest-profile providers of residential social care in the UK and part of an international health group that serves approximately 32 million customers in 190 countries. It consistently refuses to allow Unison officials access to workplaces to speak with staff and members regarding union rights and representation.

During 2017 and 2018, Unison North West regional officers were banned from every Bupa care workplace, despite assurances that visits could be conducted at the employer's convenience and with due regard to operational and safeguarding concerns and priorities. I have just mentioned what McDonald's said about disruption, but unions do not want to disrupt the business at all. They give adequate time before they come, and that is all I am asking for in the legislation. Of course I am pro-business and I support great businesses, but not at the cost of poor workplace conditions for employees.

I am sure I do not need to remind the Minister that the UK is a signatory to the European convention on human rights, article 11 of which states:

"Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests."

Does he not agree that the examples I have listed constitute a flagrant violation of that right? If so, what does his Department intend to do about it?

I do not want to use this debate simply as an opportunity to criticise existing practices, but to propose a way forward. I hope the Minister will listen to my proposals, because it does not have to be like this. By expanding trade union access to workplaces, we can restore dignity and respect at work and put an end to the exploitation and misery we see on the rise today. As I said, I am pro-business and I want to see our businesses flourish, but that should not come at the cost of dignity and respect at work. An alternative is possible.

We can look to places such as New Zealand for inspiration, as well as for evidence that the legislation that I am proposing works. Under the Employment

Relations Amendment Act 2018, trade unions there have far greater access to workplaces. Workers in New Zealand can speak to union representatives in their place of work, which has led to higher union membership, higher wages, and fairer and more just workplaces.

Under this legislation, all that is required is that the union provide a short period of notice that it will be visiting the workplace, allowing for management to add the extra staff member needed for the duration of the visit. The situation is beneficial for all involved: disruption to the business is kept to an absolute minimum, while workers' legal and human right to join and form a union is properly adhered to.

Ruth George (High Peak) (Lab): My hon. Friend is making an excellent case. Does he agree that that access is even more important when individual workers are undergoing disciplinary or grievance procedures, and that we need to see a full right to representation for workers in those procedures? At the moment the employers have an unequal force of arms, but resolving these issues could make workplaces better for all employees.

Faisal Rashid: My hon. Friend is absolutely right. I was a union rep at my workplace before I joined Parliament, and the number of cases in which I represented my colleagues is unbelievable. There are a number of things that union reps can achieve, working with the employer and of course the workers, and that is crucial.

With the success of New Zealand in mind, I want to see similar legislation adopted in this country. Last month, I presented a private Member's Bill to that effect, which seeks to remove a number of restrictions on trade unions' conducting business in workplaces. I have received a lot of support for the Bill from hon. Members, over 50 of whom were willing to co-sign it. However, to date I have not been supported by a single Conservative or Liberal Democrat MP.

Arguments against increasing the collective bargaining power of working people have long been discredited. It is a myth that strong trade unions drive down profit. If strong trade unions drive down productivity, why has the UK long suffered from a productivity gap despite having the most restrictive trade union laws in western Europe? In truth, a happy, well-respected workforce is also a productive one, but the stories I have heard from union officials paint the opposite picture: too many people in this country feel exploited and dispensable at work.

If we are to transition away from a low-wage, precarious economy, increasing the collective bargaining power of our workers is critical. That is why I am fighting to improve trade union access to the workplace. We need strong trade unions and a better deal for working people.

4.45 pm

Justin Madders (Ellesmere Port and Neston) (Lab): It is a pleasure to see you in the Chair, Ms McDonagh. I congratulate my hon. Friend the Member for Warrington South (Faisal Rashid) on securing this debate and on talking eloquently about this important issue. I am proud to be a co-sponsor of his private Member's Bill that he talked about.

As we know, the right to join a trade union is a basic democratic right. Trade unions play an invaluable role in ensuring that justice is served, defending their members' workplace rights, pay, and terms and conditions. As I

have said many times in this place and will always say, the best thing anyone can do to protect themselves at work is to join a trade union. I draw the House's attention to my entry in the Register of Members' Financial Interests and my membership of GMB and Unite.

As my hon. Friend said in his excellent speech, the European convention on human rights provides that everyone has the right to form or to join a trade union for the protection of his or her interests. Given that, we might think there would be no need to introduce his Bill to remove restrictions on trade unions conducting business in workplaces in the UK, but sadly both the law and the culture in this country place little emphasis on workplace protection and do little to support or respect it.

Far too many people experience insecurity, uncertainty and exploitation at work. As we have heard, in-work poverty is on the rise and zero-hours contracts are widespread. Anti-trade union legislation introduced by the Government has actively sought to clamp down on trade unions and to diminish the voice of ordinary working people. In my opinion, that is based on a ridiculous and outdated view of trade unions and their role in society.

As we heard, there are 6.5 million trade union members in the UK. Every hon. Member present today will have constituents who are members of trade unions. They are ordinary men and women who want to organise themselves collectively to strive for better working conditions, and who can argue with that as an aim? We should be supporting them in their efforts to improve working conditions, not attempting to thwart them. As my hon. Friend said, a happy workplace is a productive workplace; it is good for employers and good for the economy.

We should therefore be saddened to hear that research by the TUC has found that one in three workers do not feel comfortable approaching managers about a problem with work, that more than one third do not feel that they or their colleagues are treated fairly and that nearly half say that their line managers do not explain their rights at work. Trade unions were founded exactly for those reasons, to fight for the rights of every worker.

Union representatives in the workplace can inform workers of their rights, help to ensure those rights are enforced and provide workers with a collective voice in negotiations with employers. They provide the safety net we all need. That is why it is vital that trade unions should have a legal right of access to workplaces in the UK.

Dr David Drew (Stroud) (Lab/Co-op): Does my hon. Friend accept that one of the fundamental problems now, with so many workers working for small and medium-sized companies, is the lack of a place to meet? Often, workers just need to discuss some of the issues, but they have no opportunity to do that, and that makes it difficult for them to join a trade union. Does he agree that that is something we could look at seriously?

Justin Madders: My hon. Friend makes an interesting point. I think there is more we can do to meet in the electronic sense, online; there can be more discussion forums that way. The old workplace messes are a thing of the past, but we can improve things in that way.

My hon. Friend the Member for Warrington South spoke about various examples around the country where employers have prevented unions such as the Bakers, Food and Allied Workers Union, Unison, GMB and the Union of Shop, Distributive and Allied Workers from accessing workplaces. We have heard about some of the largest employers in the country, including McDonald's, Amazon and Bupa, actively seeking to prevent trade union activity through restricting access, banning visits or manipulating shift patterns to prevent opportunities for engagement. That is a shameless way to behave and is ultimately self-defeating.

In my area, trade union recognition in the construction industry has been a particularly hot issue recently. We have a lot of industrial construction, but for some reason some of those involved refuse to engage with trade unions on recognition issues, to their detriment. National agreements are important for pay, training and safety—all things we want to see in the construction industry.

Danielle Rowley (Midlothian) (Lab): My hon. Friend mentions the construction industry. I have a constituent who found that she is blacklisted not only from a particular company but from the whole sector and is therefore unable to get employment in the field she is an expert in, all because of her trade union activity. Does he agree that that has to be wiped out? We cannot have people unable to get work because of trade union activity.

Justin Madders: I absolutely agree. We have had a number of debates on blacklisting, particularly in construction, but it applies in other areas. Whistleblowers often find that, once they have blown the whistle, they are unable to gain employment. It is a disgraceful activity that needs outlawing.

Alison McGovern (Wirral South) (Lab): My hon. Friend was just coming on to health and safety. Our area has a lot of heavy industry manufacturing. Does he agree that all the evidence demonstrates that where there is an active trade union branch, there is a much better safety culture than where trade unions are not welcome or, in some cases, prevented from organising?

Justin Madders: Yes. We have a lot of potentially dangerous industries in our area. The ones I tend to deal with have been around for a long time. They all have long-standing recognition agreements with trade unions, and excellent safety records as a result. It is a learning process, not an adversarial process, particularly in health and safety.

Some companies ought to take a leaf out of those employers' books and learn how to treat and to deal with employee representatives in a much more reasonable and engaging way. A number of employers behave despicably, adding to employees' fears about victimisation, which leaves many individuals not wanting their employers to know that they belong to a trade union. How sad is that? How damning is it that some companies are so vindictive to their staff that their employees will not tell them that they belong to a trade union?

Only last week I met a constituent who told me what it was like in his workplace, where unions are not welcome, where arbitrary decisions are made about

[Justin Madders]

who is retained and who is let go, and where all the workers are too worried to put their head above the parapet. I hope to discuss my concerns with the company in due course, but does it really need a Member of Parliament to remind an employer of how to treat its staff? If a trade union official was allowed access to the site, they would be able to do that, and in the end everybody would benefit—the workers and the company. At the moment they are locked out, which is simply not good enough. It is shocking that these kinds of things still take place in the 21st century.

What is the point of someone having the right to join a trade union if they cannot exercise that right because an employer refuses to engage? What is the point of their being a trade union member if they cannot be represented? I have lost count of the number of times companies have lied to employees about their right to be accompanied by trade union reps at disciplinary or grievance hearings by saying that, because the company does not recognise a particular trade union, those unions do not have the right to attend the hearings. The Government should clamp down on that.

We have a culture of weak employment rights, greedy corporations and a Government that obstruct trade unions. We need to get away from that and towards a period of renewal and rebuilding of one of the pillars of a decent society: job security. Without job security, people have no security. How can they plan for their future, for a home or for their family if the labour market is so cut-throat, so insecure and so parasitic that they are always just one step away from disaster? The stabilising force of trade unions is a vital component of a decent society.

“Rights” is not a dirty word. Rights are not only about individual dignity and respect in the workplace; they give people a stake in society, when they know that if they do a good job and their employer runs the business well, they will be rewarded. We need an economy—and a country—where everyone has a stake in its prosperity, but to do that we must have a system that values the security and sustainability of a job itself as much as the principle of job creation. Good employers want to work with unions, and in an ideal world all employers would be able to do so without the need for the legislation that we have talked about.

Mr George Howarth (Knowsley) (Lab): My hon. Friend mentions insecure employment. Does he agree that while those on short-term or rolling contracts are among the least organised of the workforce in the United Kingdom, they actually need to be members of a trade union probably more than any other group of workers?

Justin Madders: My right hon. Friend is absolutely right. We have seen an explosion of insecure employment in this country in recent years. We wonder why people are so fed up with the way this country is run. People have no security and do not know what they are doing from one day to the next. Let us not forget that until someone has two years of continuous employment somewhere, they have no employment rights whatsoever. What kind of country is that? We do not really want to live in a place where people have no protection until they have been somewhere for two years. Their whole

life could change in that period. We absolutely need more support at an earlier stage for people who live in these precarious times.

This is not only about improving workplace rights, but about sending a message to employers that we need to move to a much more stable system, and we need the Government to bring forward legislation to encourage that. A good example is New Zealand’s Employment Relations Amendment Act, which has already had a positive impact on the workforce, restoring protections and strengthening the rights of workers without causing disruption to business. Just as importantly, it has changed people’s attitudes towards their right to represent themselves. I think the people of this country deserve the same. It is a shame that there are absolutely zero Members on the Tory Back Benches. That tells us absolutely everything that we need to know about the priority that the Conservative party places on this issue. In these circumstances, the idea that it could rebrand itself as the party of the worker is a joke.

In conclusion, it is only through improved access to workplaces that unions will be able to inform individuals of their rights and, critically, ensure that those rights are enforced—people’s rights are only as good as their ability to enforce them. Only then will we see real changes and improvements to people’s working lives. It is my belief that it is the duty of the Government to be an enabler in that process, not an accomplice to those who would deny people those basic rights.

4.57 pm

Ruth George (High Peak) (Lab): It is a great pleasure to follow the previous speakers in this important debate. Having worked for the Union of Shop, Distributive and Allied Workers—USDAW, the shop workers’ union—for 18 years before coming to this place, I have seen an enormous amount of good practice in a trade union. I am sad to say that, since being elected as a Member of Parliament, I have seen the opposite side of the coin. Constituents come to me with employment cases, some of them really serious, and my first question is always whether they are a member of a trade union. I am really sorry to say that the vast majority are not; if they were, they would not end up in these situations with their employers.

Only 14% of workers in the private sector are in trade unions, so it is a very rare breed who have the benefit of trade union protection at work. While working with USDAW and the retail sector over many years, I often heard from skilled and experienced reps; they had been trained and had done training courses on employment rights, and were far better at negotiating under their companies’ grievance and disciplinary procedures than the managers, who were often straight out of business school, or were moved around shops in different areas and so were never able to build up the expertise that the reps had.

Employers are missing a trick by not seeing trade union representatives as an asset to their workplaces and workforces. Having helped to put together presentations for employers on the value of a trade union in the workplace, I know that a trade union can absolutely bring value for money and productivity to a company. A union can also ensure that a company is doing everything by the book, and can certify that at national

level; at local level, the presence of a trade union rep can give people confidence in the management in the company—confidence that things are being done right.

My hon. Friend the Member for Ellesmere Port and Neston (Justin Madders) mentioned health and safety. I am honoured to have the laboratory for the Health and Safety Executive in my constituency. It is really useful to be able to talk to people there about how best to implement health and safety at work, particularly given the decline in the resources that the Government give to the Health and Safety Executive. We have seen inspections decline—they are now done on a risk-assessed basis—but where a workplace has trade union representatives who are trained in health and safety, those health and safety reps do risk assessments and take soundings from their work colleagues, who often feel more able to raise problems with their trade union representatives than with their management, particularly if they are concerned about their safety. That is even more the case where there are people in the workplace with a disability or some other form of impairment. It is so important that they feel that they have that support.

We have some basic rights at work, but in the UK they are particularly basic, and we often see that even those are not provided. We have a system of employment tribunals whereby individuals have to put their head above the parapet, as has been mentioned; they have to show that they are able to make a complaint in order to access an employment tribunal. That does not help the rest of the workforce, who are probably suffering in exactly the same conditions, particularly where the issue has to do with the minimum wage, holiday pay, sick pay, parental leave or flexible working. Those are basic rights at work that we expect to be in place, but too often they are not, and individual employees have to put themselves forward in order to be able to access a particular right. Many feel that it is not worth it; many feel that it is better to move on to a different place of work. That does not help the other people there.

To access the protection from unfair dismissal, a person now has to have been in a workplace for two years. We have an increasingly mobile workforce, so a growing number of people are not able to access the right to claim unfair dismissal, and do not feel that they can access any of the other rights that enable them to take a case to their employer or to a tribunal, especially where they cannot get the support of a trade union representative in that. That is why, as I have said, it is so important that trade union representatives are able to come in and support individual members in a workplace. Even where the union is not the recognised trade union, the trade union reps need to be able to support their members, who are paying for the privilege of membership. If they are paying for that service, it is not right that their employer should be able to deny it to them.

Alison McGovern: My hon. Friend is making an excellent speech. Does she agree, at this moment, when we are trying to deal with cultures of bullying or sexual harassment, that it is very important that when people take complaints forward, they have somebody with them to give them confidence and comfort in what can be a stressful and sometimes distressing situation?

Ruth George: Absolutely. My hon. Friend makes an excellent point. People often spend the majority of their waking lives at work, and the relationships in the workplace

are some of the most important to them. If they are subject to bullying or harassment, that affects their whole life and their confidence in taking the issue forward, so having a trade union representative, or a trade union office that they know they can phone for expert support and advice—having someone on their side—is so important, particularly when they are taking forward a case against a manager or another colleague with whom they work closely. That creates very difficult situations for individuals.

It is not just individuals who benefit from trade union membership. The state also benefits from higher productivity and from better pay and conditions, which reduce the reliance on in-work benefits that comes from low pay and low hours at work. Universal credit is being rolled out, and the only thing that employers have been told by the Department for Work and Pensions is that they no longer have to give people set hours of work. With tax credits, people used to need to have a contract to work 16, 24 or 30 hours a week, for access at different points. Employers knew that and were prepared to give those contracts to ensure that people could afford to live on the contract of work. Under universal credit, yes, people can access mini jobs, with fewer hours of work, but that will encourage employers to provide more flexibility within contracts; I am afraid that the Department for Work and Pensions is actively encouraging them in that. They may not be zero-hours contracts—those are bad enough—but they are short-hour contracts, sometimes for as little as four or eight hours a week. People simply cannot afford to live on them, but employers are happy to give those sorts of contracts and to ask people to flex up when they are busy. It gives employers maximum flexibility, but it does not mean that people who are in work can get by.

That is why we are seeing such a huge increase in in-work poverty. Up to 8 million workers—more than one quarter of the workforce—are now in poverty. That is a crying shame for any decent economy, any decent society. If someone goes out to work, they should be able to support themselves; if there are two of them, they should be able to support a family. There are rising house prices, housing costs and rents, but there have been reduced real wages for almost a decade, and people simply cannot afford to live on the wages that they get.

The issue is not just pay but pension provision. Employers with trade unions provide far better pension entitlements than employers who do not recognise a trade union. Again, the state benefits, because it does not then have to provide a top-up where pensioners are falling into poverty. Trade unions that I saw in the workplace helped to keep better pension schemes going for their members. We have seen innovative schemes, such as the Communication Workers Union and Royal Mail scheme, that will help far more workers continue to have a decent standard of living when they retire, and will save the state from having to step in where people fall into poverty because they have an inadequate pension scheme.

Trade unions can bring benefits across the whole range of rights at work, pay and conditions, and pensions. That is why it is inexcusable that no Conservative Back-Bench MPs have bothered to turn up to this debate to, at the very least, discuss the value of trade unions in the workplace and have a robust discussion about their merits and what they can bring to working people who particularly need that support.

[*Ruth George*]

We certainly need trade unions in the workplace at a time when employers are possibly facing a lack of labour. Workers from the European Union are returning to their own countries, or countries of origin, and many workplaces are desperate to recruit. They are seeing a recruitment shortage, and they need to ensure that they can provide the best standards and conditions of employment. Trade unions will help them to do that. They help them to stamp out cultures of bullying, which unfortunately can exist in the workplace. They ensure that there is always a trusted third party. They ensure that people have a friend at work whom they can turn to—and everybody needs one of those at times. I really hope that the Minister will reflect on those points and respond to them.

5.9 pm

Mr Paul Sweeney (Glasgow North East) (Lab/Co-op): Thank you, Ms McDonagh, for allowing me to speak in this very important and timely debate. I congratulate my hon. Friend the Member for Warrington South (Faisal Rashid) on securing it and on speaking so passionately in his introductory remarks. He raised issues that resonate very strongly with me and, indeed, with the wider trade union movement across this country.

It is good to start on a positive note: trade union membership in the United Kingdom has gone up in the past year by 103,000. Now 6.35 million people are members of a trade union in the United Kingdom. However, the long-term trends still give cause for concern. Trade union membership is half of its peak in the late 1970s, when there were 12 million members of trade unions. Over that time, we have seen a 5% fall in the labour share of our economy—the share of our gross national wealth taken home by workers in wages has fallen. There is a strong correlation between the trade union organisation and collective bargaining power in our economy and the amount of wealth that workers are able to secure from the fruits of their labour.

We need to return that fundamental analysis to the heart of how we understand our economy and the relationship between working people and the owners of capital. It has been forgotten from the mainstream narrative in this country, which is about shirkers, people not working hard enough and how people need to be more flexible and sacrifice more, rather than about unity, organisation and agitation against exploitation and in favour of workers' right to receive the fruits of their labour. The correlation is stark; it is a fact of economic history. The long-term trend in the past 40 years is a diminishing share of wealth for workers.

It would not be half as bad if that share, which workers once took home in their pay packets, was invested by companies and private capital to improve the efficiency of our economy. However, it has not been invested at all. Investment as a share of GDP has flatlined throughout that period. I wonder where that share of capital has gone. The workers are producing wealth and productivity continues to go up, but the share taken home in wages is declining. What happens to that share? It is extracted in profits by companies, which are often not based in the United Kingdom. The wealth is taken overseas, often to opaque tax havens around the world, or invested elsewhere. It is never seen by the people who produce the wealth.

That is the stark reality that we face. That is why, I would argue, having a Labour Government is so critical to restoring the collective bargaining powers in our economy, which are so essential to recapturing the share of the wealth that working people rightly deserve and produce in this country. Workers put in great innovation, productivity and effort every day in many workplaces across the United Kingdom. However, we have seen the hollowing out of their collective capacity to fight for their share of the wealth they produce.

We have seen an increase in trade union membership. Of the total UK workforce, about 23% of workers are in trade unions. However, there are regional disparities in the way trade union organisation works across the United Kingdom. Trade union membership in London and the south-east is 16% to 17% of workers, yet in Scotland, the north-west, north-east and Wales it is between 28% and 30%. There is significant regional variation. There are a number of reasons for that.

First, in areas with traditional manufacturing and labour-intensive employment, where there are large industrial employers, there seems to be more cultural recognition of trade union membership—it is an accepted fact of life. Secondly, in some regions the public sector forms a much more important share of the economy. In public sector workplaces, 52% of the workforce are trade union members, whereas in the private sector, membership is at a mere 13%. That is a huge contrast, which has evolved and become more stark in the past 40 years.

There is a significant age disparity in trade union membership, which reflects the increased casualisation of work. My hon. Friend the Member for Warrington South mentioned McDonald's employees being exploited. Many in the retail and food sectors see that happen on a daily basis. Just 4% of 16 to 24-year-olds are members of trade unions, and 77% of trade union members are over 35. The age disparity is significant and we need to tackle it.

We need to introduce information about trade unions into our education system. When I first entered work, I was exploited by employers. I undertook unpaid trial shifts. I worked minimum-wage jobs. I was denied tips. I started in a pizzeria and then worked in a supermarket. When I started working in fruit and veg at Morrisons supermarket, we had a presentation from the USDAW official. At that time, I did not really understand what a trade union was or why it would be significant to me. Why should I give up the precious little money I was paid to a trade union when I could take it home and spend it on going out and having a good time with my pals? Believe it or not, I did have a good time. Education is required on why trade union representation is important, particularly for young people for whom exploitation has never been more critical.

Ruth George: I am pleased to hear that my hon. Friend had a positive experience of the USDAW official. Unfortunately, I have met too many people, young and old, who started their first job in fruit and veg in a supermarket and injured their back, often for life, because of incorrect lifting practices, and who did not have trade union representation in the workplace to support them and ensure they were lifting correctly. That happens to too many young people. I hope it did not happen to my hon. Friend.

Mr Sweeney: Believe it or not, that did not happen. I managed to survive my experience in fruit and veg largely unscathed. My hon. Friend makes an important point. People never know when they will need a trade union until they do. It is critical that people join, because it is like an insurance policy. We need to educate people in that necessity.

My first adult job was in a shipyard. It was a traditional engineering and manufacturing company—a large-scale employer—where there was significant trade union density. At that point, I joined the Unite and GMB trade unions, because they were the shipyard trade unions. They ably represent the workforce on the Clyde and are often mentioned in this place. I ran into trouble from time to time in the shipyard and my trade union was critical in helping me get through those difficult periods. If I had a dispute with my bosses or another issue, the officials were very helpful. I did not know when I would need them—when a bit of bad luck could strike. It is critical that people understand why trade union membership is so important.

Danielle Rowley: My hon. Friend is giving a detailed analysis and a great speech. Does he agree that there is less trade union membership in the third sector? It is often seen to be the nice sector, but it employs a lot of young people and women, and we need to encourage more trade union membership within it.

Mr Sweeney: I absolutely agree with my hon. Friend. She makes a good point about the gender disparity. It is interesting to note that female membership of trade unions has increased in the past year, but male membership has decreased. That does not read across the different sectors that she mentioned. It is important to recognise that issue, particularly when we look at casualisation in the workforce, which is a key driver of why workers are taking home less in their pay packets than they ought to.

Traditional collective bargaining in large-scale organisations and traditional large industrial workplaces are fragmenting, and the way people work is continually atomising. We need to adapt our trade union regulation and organisation to reflect the changing nature of our economy. The charity sector has not been penetrated by the trade union movement to the same extent. We need to tackle that. Great thought must be given to how to increase recruitment to trade unions in those non-traditional workplaces.

I will offer another view as to why trade union membership is so critical. In the past few months, I have been dealing with a major industrial dispute in my constituency. The Caley railway works, which has been around for 160 years, faces closure. From 1948 to 1995 it was part of British Rail, but it was privatised and sold off. It has been through myriad different owners, culminating in an overseas company purchasing it in an asset-stripping exercise. There are 200 people on that site, which faces closure. Thankfully, they have high trade union density—90%, which is fantastic—because the railway works was a traditional workplace. The trade union was able to swing into action immediately when the closure was announced.

In stark contrast, when the immediate closure of Jamie's Italian was announced, the workforce were completely blindsided and had no capacity to organise and effectively agitate against that exploitation. People

were told to go home with no recourse, redundancy payment or share in the liquidation of the company. With the potential closure of the Caley railway works, the trade union was able to organise to bid up the terms and conditions of severance for the workforce. The liabilities of the workforce were originally assessed as being about £700,000 to close the site. The trade union has now managed to negotiate almost £4 million from the employer to wind up the site. That is an amazing achievement, and the company has even offered to try to sell it or pay the Government to take the site off its hands, because the owners just want rid of it. That is just one example of how effective negotiation by trade unions can massively improve the hand of workers who face really difficult disputes with their employers.

I pay tribute to the tenacity of the Caley railway works workforce, who are facing the most testing conditions and were told just before Christmas—as is often the case—that they would lose their livelihoods. People have been working there for generations. Families have grown up and lived around the railway works their whole lives, to the point that in some cases people felt there was no other way out but to take their lives. The stress that the workforce have had to deal with has been absolutely appalling. I pay tribute to their tenacious work, particularly by Pat McIlvogue of Unite the union, in organising the workforce and keeping their spirits high at a really tough time. I hope the Government in Edinburgh will step in and take action to save those jobs and the workforce, because they deserve it. They deserve to have that commitment shown to them by the state.

The Government and trade unions can work in co-operation to ensure that we salvage the collective knowledge and skills of our workforce and redeploy them in the future, rather than see the industrial vandalism that has so often happened across this country, where we have seen industrial capability destroyed. With the lack of a trade union to organise, agitate and struggle against it, there has not been the fight that could have been mounted. I pay tribute to everyone in the trade union movement who has fought so hard for workers' rights to capture a better share of workers' efforts—in the form of labour—in wages, and to secure their rights and those of future generations who will follow in their footsteps, so that we have a prosperous society that gets a fair day's pay for a fair day's work.

5.22 pm

Chris Stephens (Glasgow South West) (SNP): It is a pleasure to see you in the Chair, Ms McDonagh. I congratulate the hon. Member for Warrington South (Faisal Rashid) on securing this debate and on bringing forward his ten-minute rule Bill, which I support—he has my guarantee.

It is traditional in these trade union debates to make our declarations. I declare my 20 years of trade union activity before I was elected to this place, my membership of Glasgow City Unison, and my position as chair of the Public and Commercial Services Union parliamentary group. I will in the next few days declare a settlement agreement with my former employer as a result of an equal pay claim.

I make those declarations not just to show my trade union credentials; it is obviously important to mention the trade union role in the education and personal

[Chris Stephens]

development of workers. I have no shame in saying—I am sure I am not the only Member of Parliament present who would say this—that I would not be here without the skills, knowledge and experience I gained as a trade union representative and activist.

The hon. Member for Warrington South described the historical and present contexts. On the current context, it is very interesting that the governing party is having a leadership election—a so-called grand national, although I think the grand national is for thoroughbreds, not necessarily for people putting themselves forward for leader of the Conservative party. Many who are seeking to be the next Prime Minister have the inclination to deregulate markets—an inclination not too dissimilar to that of Donald Trump. It seems that some will argue over the next few years that the solution to a deregulated market is to deregulate it even further. It is complete and utter political nonsense.

Mr Sweeney: The hon. Gentleman mentions the contenders for leadership of the Conservative party. The Foreign Secretary presides over a Department that is in dispute with PCS over Interserve. The Department has essentially hived off core staff into an arm's length company that fails even to recognise the trade union that is mentioned in employees' contracts. Is that not shameful? The Foreign Office should act immediately to resolve the situation.

Chris Stephens: I agree wholeheartedly, but on this occasion the hon. Gentleman underdoes his criticism of the Foreign Office. It gave a contract to a company that will be the next Carillion, because it is in administration. It is absolutely and utterly ludicrous that the Government are giving contracts to companies that are failing.

Members including the hon. Member for Midlothian (Danielle Rowley) have mentioned the historical context and blacklisting. We know that it has been going on in the construction sector. The difference between that sector and other sectors of the economy is that people in the construction sector found the blacklist, but I know there are blacklists in other sectors. Given my trade union activity over the past 20 years, I would be very surprised if I were not on a blacklist.

We have seen the erosion of trade union rights over the past few decades. There is the anti-trade union Bill, which I will touch on; the erosion of facility time in the public sector; the publishing of that facility time, and the suggestion that it is a cost to the public purse when it is not; a public sector pay cap; and the erosion of collective bargaining. In Scotland, 81% of workers were covered by collective bargaining agreements for pay in 1979. The figure is now 23% as a result of the deregulation of markets.

The examples provided by the hon. Member for Warrington South are very alarming. As far as the Scottish National party is concerned, all workers should have the right to trade union membership and to organise as a collective trade union. Multinational companies purposefully stopping trade unions from recruiting staff is against employer best practice, and does not bode well for the prospect of positive workplace relations. These incidents can make workers feel isolated and alienated, further frustrating cohesion in the working environment.

As the hon. Gentleman said, the benefits of a trade union workforce have been consistently documented by research—not just by the TUC, but by others—that suggests members are more likely to be paid more, more likely not to be dismissed, more likely to have better leave provisions and more likely to work fewer hours of unpaid overtime. Those are important gains. Members are also more likely to find themselves in a pay and grading scheme that complies with the Equal Pay Act 1970, and trade unions have played a vital role in ensuring that employers comply with that very important piece of legislation. As the chief economist of the Bank of England has said, the weakening of trade union power in the United Kingdom has hit workers' pay over the past few decades.

Trade unionism should be viewed as an opportunity to improve workplace relations, as trade union representatives and officials bring a vital perspective to a workplace, and do more than play a role in collective bargaining; for example, they ensure effective communication between employers and workers. Indeed, trade unions provide workers who go on to become trade union representatives with the opportunity for personal development through lifelong learning. They ensure a common footing on communication between employees and employers.

I want to highlight the great work being done by organisations such as Better Than Zero, which is highlighting some awful employment practices, particularly on zero-hour contracts and the status of workers—the bogus self-employment that is increasing in the economy. Since I support the ten-minute rule Bill introduced by the hon. Member for Warrington South, I hope that he will support mine, the Workers (Definition and Rights) Bill, because it is important that we deal with zero-hours contracts. Under my Bill, such contracts would be allowed in only one circumstance: where there is a collective agreement with an organised trade union. That would nail once and for all the view espoused by some people that workers like zero-hours contracts. Having trade unions in workplaces where there are zero-hours contracts would put that to the test.

My Bill would simplify the status of workers, because there is far too much bogus self-employment—people are finding out that they are self-employed when they thought that they were employees. It would also provide another opportunity to expose the anti-trade union Act that was passed in the last Parliament and has significantly reduced the mobilisation and organising power of trade unions. The Act has in particular impacted on facility time, which is integral to a trade union's ability to prepare for collective bargaining. That law pits the Government and employers against trade unions and is needlessly divisive. Publishing details of facility time and its so-called cost to the public purse is frankly outrageous. The fact is that trade union reps save both time and money by improving workplace relations and enforcing best practice.

I support the hon. Gentleman's Bill, and I hope he supports mine. It is a pleasure once again to support the trade union movement—the best partner with our society.

5.31 pm

Laura Pidcock (North West Durham) (Lab): I congratulate my hon. Friend the Member for Warrington South (Faisal Rashid) on securing this debate, on introducing his ten-minute rule Bill, and on bringing

trade union issues to the House of Commons. With some exceptions, it is only Labour Members who press these issues continuously and bring the worker's voice into this space.

I welcome the opportunity to speak on an important issue for workers everywhere. I declare my interest as a member of Unite the union. We know from information provided by a number of unions, including the Bakers, Food and Allied Workers Union, GMB, Unite and Unison, that union officials are routinely denied access to workers by many employers. There are examples of trade union officials being locked out of workplaces, prevented from speaking to workers or forced to meet members in car parks—some horrifying stories have been outlined by comrades in this room today.

What is this debate really about? In my mind, it is simply about trade unions and workers exercising their fundamental right to meet, discuss and organise on issues that workers face. That right is being systematically denied in this country; for most workers, it does not exist and has not existed for some time because of the serious restrictions placed on unions, because of employers' anti-union practices and because of the fear that is whipped up in workplaces and that often prevents workers from having the confidence to exercise their rights.

Here are just a few examples, from across the UK, of what happens when workers take part in union activity, want to meet their trade unions or talk to fellow workers. As has been mentioned, a young worker from Watford was enthused by winning positive change in his workplace through the union, but was then banned from going into any McDonald's in the area. He was told that he was not allowed to talk to other workers. Managers are being trained to notice the signs and language of a union and report them to senior management. Managers are telling workers that they can be sacked for joining a trade union. Portuguese workers in McDonald's in Cambridge were told that they could be sent to jail for taking strike action.

Tim Martin, chair and founder of Wetherspoon, has refused even to speak to the general secretary of the Bakers, Food and Allied Workers Union, which has many members in Wetherspoon. What kind of disregard is that? The general secretary of PCS had to address his civil servant members in a blizzard in a car park in January. What kind of respect did that show to all his members, or to him as general secretary? Union organisers are routinely banned from workplaces.

If we want to open workplaces up, the law needs to be changed so that workers can realise their rights. The Labour party has been clear that to improve dramatically the rates of pay—and therefore wages and terms and conditions—of workers, a system of collective bargaining needs to be restored. If the balance of power in the workplace is to be redressed, workers need to be able to negotiate; that is a fundamental principle. I am sure that every Conservative Member has read “For the Many, Not the Few”, the Labour party's 2017 manifesto, which many Opposition Members were elected on. It promised that a Labour Government would

“roll out sectoral collective bargaining...Guarantee trade unions a right to access workplaces—so that unions can speak to members and potential members.”

The Grand Chamber of the European Court of Human Rights established 11 years ago that the right to bargain collectively is a fundamental human right that is protected

by the European convention on human rights, yet the latest statistics show that the percentage of workers in the UK covered by collective bargaining has fallen from 82% in 1979 to 26% today, and the figure is even lower in the private sector. Of course it has been political ideology that has forced that percentage downwards, yet the International Labour Organisation, the OECD and even the International Monetary Fund have shown that extensive collective bargaining is essential to a successful economy, as colleagues have outlined so eloquently today. Crucially, it is also essential to reducing inequality.

Trade union access to members and workers is essential for the restoration of collective bargaining. With that in mind—this has been mentioned, but I will say it again—many trade unionists have looked with envy at legislation in New Zealand, where union representatives have a right to access workplaces to

“discuss union business with union members...seek to recruit employees as union members”

and

“provide information...to any employee on the premises.”

The Minister might want to take note of those very simple asks. Does he agree that workers who are not trade union members should have a fundamental right of access to information that allows them to consider membership?

The New Zealand legislation also allows union representatives to bargain with the employer for a collective agreement; deal with health and safety issues for members; check that the employer is complying with the collective agreement and with employment law; help individuals to implement employment agreements; and ask the employer to comply with any relevant requirements if non-compliance has been detected. So many of those things are crucial to helping workers to access their basic rights, yet there is no comparable right of access in this country. It is true that the Department for Business, Energy and Industrial Strategy has a code of practice that gives unions access to the workplace during recognition ballots, but Labour must, and will, build on that to provide a general right of access to the workplace for trade union officials for the lawful purposes of the union.

Under Labour's plans, trade unions will, on giving reasonable notice to the employer, have a right of access to a workplace for the purposes of organising, meeting and representing workers on any matter relating to their employment. The employer will be under a duty to provide an opportunity for meetings to be held on the premises, in conditions that are reasonable and appropriate and that respect the confidentiality of the workers and the union.

I stress two points. First, “access” must mean both physical access and access by email, where email is provided or controlled by the employer. In both cases, access should be free from employer surveillance, and the fear of intimidation should not prevent workers from speaking to a union. Secondly, we have to deal with employers who refuse to provide access despite the law; access delayed is access denied, as the saying goes. We may need to look again to New Zealand, where denial of access can lead to financial penalties on the employer. We will look at all ways of ensuring that the

[*Laura Pidcock*]

denial of trade union access rights and of other trade union rights is dealt with effectively and appropriately by enforcement.

Any effective right of access introduced by a Labour Government along those lines will go a long way towards helping to restore the balance of power in the workplace. It will enable trade unions to speak to workers about the benefits of trade union recognition and expand the coverage of collective bargaining, and it will enable trade unions to speak for workers, ensure that they are effectively represented and address the abuses that we know are taking place. Colleagues have talked about workers being scared to go to the toilet, or having to go to the toilet in really degrading circumstances, and about heavily pregnant women not being given a seat. It is clearly men, who have never been heavily pregnant, who have designed those rules. The Government just refuse to address those abuses through serious legislation. They think, "Just leave it to the free market. Leave it to the employers to do whatever they want to do."

I am mindful that rights of access can only be the very beginning of a programme to restore trade union presence in the workplace; it is only the start of giving workers a voice, and of ensuring that high standards and a good quality of work are a reality for everyone. We need to look again at trade union recognition legislation to remove obstacles that make it difficult for trade unions to secure recognition for collective bargaining. We also need to look again at legislation for dealing with trade union facilities, so that trade union representatives in the workplace have the time, space, resources and powers to carry out their duties. We also need to look at legislation dealing with the right of workers to be accompanied by a trade union representative, to ensure that all workers have the right to full trade union representation at work.

We are under no illusions; trade union access to the workplace is just one of several crucial steps in strengthening workers' rights. It is, however, an essential step in our plan to roll out sectoral collective bargaining. The reintroduction of that bargaining, so that sector by sector, workers can negotiate on and determine pay, terms and conditions, hinges on workplaces being opened up. This is critical.

I finish with a political point, because this is a political Chamber, is it not? So often we look at the technical details of all these issues, but what do they actually mean for workers? Throughout our history, has there not been constant tension between workers and the state, with the state often removing the rights that workers have fought for, or ignoring and resisting the rights that workers demand? Trade unions' access to the workplace goes to the very heart of how our society is set up, the cultural norms established, and who they benefit. Often, those cultural norms are not established by working-class people.

In the current climate, workers are scared to talk about the issues that affect them. Our culture makes them petrified of losing their job; it says that that should be their No. 1 fear, and it should dictate how they act and what they say in the workplace. The system and the norms that we live by support this climate of fear, so that the worker defers to the employer all the time, worried that they could be replaced at any time.

As was mentioned, the system is rigged against workers, to enable those who own the capital or the business to extract as much value as possible from the worker for the smallest reward—and, it seems, with the least comfort for workers.

The consequence of all this is that power is concentrated in very few hands, which is really unhealthy. It means that entire workforces are stressed, tired, underpaid, undervalued and—let us be honest—deeply dissatisfied with life, with little to look forward to.

In the Labour and trade union movement, we have a totally different way of viewing the world of work. We believe that it is workers who create the wealth, and that they deserve the right to negotiate freely their rate of pay; and that it is a fundamental right of workers to assemble, associate with one another, organise and bargain with the employer with one voice. It is therefore common sense that trade unions should have access to the workplace; it is their space, and it is their right to meet the people they represent, or wish to represent. That should not be a difficult concept to grasp. If policies were won on the strength of argument alone, the Labour side would clearly have won this argument, and not just because nobody from the Government side has spoken. Our argument is not that weak; it is a powerful and common-sense one, even though Government Members did not turn up today. To my mind, those on the other side of this argument do grasp the simplicity of enacting those rights, but I think they are deeply scared of and worried about its transformative potential for working-class people.

5.44 pm

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Andrew Stephenson): It is a pleasure to serve under your chairmanship, Ms McDonagh.

I congratulate the hon. Member for Warrington South (Faisal Rashid) on securing today's important debate, and commend the impassioned speeches by the hon. Members for Ellesmere Port and Neston (Justin Madders), for High Peak (Ruth George), for Glasgow North East (Mr Sweeney), for Glasgow South West (Chris Stephens), and for North West Durham (Laura Pidcock).

I am very pleased to engage in this debate. Before I address the individual points made by hon. Members, I want to put it on record that the Government recognise the important role that trade unions play across the United Kingdom, and I personally recognise the important role that they play. In my role as a constituency MP, I have worked closely with trade union representatives at Rolls-Royce, which has a site at Barnoldswick in my constituency, and since my appointment as Business and Industry Minister, I have met trade union representatives at BAE Systems here in Parliament and trade union representatives at British Steel on a visit to Scunthorpe.

John Howell (Henley) (Con): I am glad that the Minister mentioned all of those organisations, but there is another organisation that he should mention, which is the Council of Europe, of which we are a member. The Council of Europe has always taken a very strong line on this issue. For example, it runs facilitation courses to help people to understand the role of trade unions and how they can participate in them. That is something that we should be proud of.

Andrew Stephenson: I thank my hon. Friend for his point. He is not just a powerful advocate in the Council of Europe, but a powerful advocate in this place for the role it plays in helping to make positive change, not only in this country but across Europe.

Trade unions have played a long and positive role in our society; they have long represented their members and lobbied for wider changes in society. They have campaigned on equality issues for women and other groups, helped to tackle child poverty and fought against modern day slavery. They have shown how we can bring about change that benefits everybody in society.

Over the decades, unions have improved the working lives of their members, and this Government hope to see that continue. Throughout the country, trade union health and safety representatives have made our workplaces safer, which not only benefits workers but contributes to our economy, by reducing accidents.

Unions have also invested in people, working to develop the skills of their members. Unionlearn is an excellent example of that. It has helped to engage with more than 50 trade unions in more than 700 workplaces. Unionlearn has helped those with low literacy and numeracy and also helped to recruit and support thousands of apprentices. That is why the Government continue to support initiatives such as Unionlearn with over £8 million over the previous and coming years.

Justin Madders: In the spending review, which may or may not happen some time this year, will the Minister advocate for Unionlearn's funding at least to continue at that level or perhaps to increase?

Andrew Stephenson: I can assure the hon. Gentleman that, as a fellow north-west MP, I am a passionate advocate of the positive role that unions can play. I have stepped into this debate today because the Under-Secretary of State for Business, Energy and Industrial Strategy, my hon. friend the Member for Rochester and Strood (Kelly Tolhurst), who is the Minister with responsibility for small business, consumers and corporate responsibility, has to take an urgent question in the main Chamber. This is her policy remit, but I will certainly speak to her to see what we can do to ensure that we lobby for things such as Unionlearn in the spending review. I am passionate about trade unions. In 2015, I helped to re-establish the Conservative workers and trade union movement in my own party, so Members have a friend of the trade union movement stood before them today.

Let me turn to the points made in the debate. I think it would be helpful if I set out the legislative position. Workers in the UK have a right to join a trade union. That right is protected under our trade union law. It is automatically unfair for an employer to dismiss an employee on the grounds of trade union membership or for being active in a trade union, and employers cannot subject their workers to detriment in attempting to deter union membership or participation in trade union activities.

All union members have the right to participate in union activities, which includes members who are union officials. They have the right, for example, to organise union meetings and consult their members. Furthermore, the right to be active in the affairs of a trade union is enhanced where the union is an independent union that is recognised by the employer for collective bargaining purposes. Officials of such unions may seek time off

work with pay to discharge certain union duties. Members who are union learning representatives may also seek paid time off in order to carry out their functions. Individual workers can enforce these rights at an employment tribunal.

Faisal Rashid: I want to emphasise that the debate is about what happens before people become members of a union. The Minister is explaining exactly what members' rights are, but we are not talking about those rights; we are talking about what happens before employees become union members.

Andrew Stephenson: I appreciate that point, and I hope I will get to address it slightly later in my remarks. I was trying to emphasise that those rights, as they exist, amount to the right for a union, through its individual members and officials, to recruit and organise in a workplace.

It is important that I address the argument about the UK's general commitment to human rights. In particular, I wish to refute the argument that the right, under article 11 of the European convention on human rights, for workers to join a trade union and to organise is effectively being denied. That could not be further from the truth. The UK has a long-standing commitment to uphold human rights. The Government are satisfied that our trade union legislation complies with our international obligations, including article 11 of the European convention.

As I have set out previously, workers are free to join a trade union and to participate in trade union activities. That is protected by law. Unions are also free to organise and seek collective bargaining arrangements with employers. Where an employer refuses to recognise a trade union voluntarily, our legislation provides for a statutory recognition procedure. That allows independent unions to apply to the Central Arbitration Committee to be formally recognised for collective bargaining purposes. Unions that can demonstrate majority support for recognition in the workplace will secure statutory recognition from the committee.

Chris Stephens: The Minister defines the legal position. Does he believe, therefore, that the Government could do more to enforce that legislation, to ensure that the many alarming examples that the hon. Member for Warrington South (Faisal Rashid) gave us are not repeated anywhere in the United Kingdom?

Andrew Stephenson: I do not wish to comment on any of the individual cases that have been raised by Members today, but it is always important to keep these things under review, to look at the evidence and to see where legislation can be changed if there is a need for that, to reflect what is happening in the labour markets.

Returning to the Central Arbitration Committee, the UK courts have found that the statutory recognition procedure complies with article 11. Furthermore, the European Court of Human Rights has accepted the Government's view that the UK's trade union legislation strikes the right balance between the rights of trade unions and their members, and the legitimate interests of others. The UK's system is based on the democratic wishes of workers in the workplace. If workers in the UK want to organise and be represented by a trade union, they have the means to do so.

Ruth George: I think the Minister will find that in practice individual workers do not have the ability to organise themselves and to join trade unions, as all the evidence presented by Opposition Members has shown. Employers frequently victimise trade union members and do not allow trade unions into the workplace to support their members, even when they are needed.

Andrew Stephenson: I take the hon. Lady's point. As a constituency MP, I have come across companies whose practices I would not approve of, and I have taken the matter up with managers and been able to secure better access for trade union officials. The hon. Lady will know that workers have the right to bring a union representative to a disciplinary or grievance hearing. Unions have the right to accompany workers in such cases, even if the union is not recognised. It is fundamental that we allow unions access and that we remind workers all the time that they have that right.

Several hon. Members *rose—*

Andrew Stephenson: I want to make progress because there were many speakers and there are lots of points to cover.

Ruth George: On that point, the member might have the right to be accompanied but the trade union representative does not have the right to speak in the meeting, so their presence is pointless. Does the Minister not agree that that makes the regulation fairly useless?

Andrew Stephenson: No, I would never describe trade union representatives as pointless. It is important that they are able to attend and support workers in grievance or disciplinary meetings. They do not have to be able to speak to support someone.

On giving practical effect to article 11 rights, let me turn to a matter that a number of hon. Members have raised: facility time for union representatives to carry out union activities. I agree that without facility time union representatives cannot carry out their trade union duties in relation to collective bargaining and related matters, and our trade union legislation provides for that. Where an independent union has been recognised by an employer for collective bargaining purposes, the employer is required to provide facility time to the union's representatives and its members. Union representatives are entitled to paid time off to carry out their union duties as well as paid time off for training. That allows them to negotiate with the employer and carry out their functions in relation to matters covered by the collective bargaining agreement.

Several hon. Members *rose—*

Andrew Stephenson: I have to make some progress.

Union members are also entitled to unpaid time off during working hours to participate in union activities, for example to attend union meetings or vote in internal union elections.

In relation to access to facilities, the ACAS code of practice on time off for trade union duties and activities states that employers should, where practical, make available to union representatives the facilities necessary for them to perform their duties efficiently and to

communicate with their members. The provisions of the code are admissible in evidence in proceedings before an employment tribunal relating to time off for trade union duties and activities. Provisions of the code that appear to the tribunal to be relevant should be taken into account. The Government therefore believe that the current arrangements in relation to facility time are sufficient. The arrangements have been in place for a long time, and are well understood by both employers and trade unions.

Chris Stephens: I thank the Minister for his generosity. Why, therefore, is it necessary for the Government to publish the so-called cost to the public purse of facility time for civil service trade unions? It seems to me that there is no cost and that the benefits of providing facility time outweigh the so-called cost.

Andrew Stephenson: I will raise that matter with the Minister for Small Business, Consumers and Corporate Responsibility, and I am sure she will be more than happy to write to the hon. Gentleman with an answer.

In his speech on 15 May introducing his Bill, and again today, the hon. Member for Warrington South referred to strengthening collective bargaining in the workplace. In the UK, collective bargaining remains an important method whereby pay and other terms and conditions are set. The UK takes a voluntary approach to collective issues. Collective bargaining is largely a matter for individual employers, their employees and their trade unions. Most collective bargaining in this country takes place because employers have voluntarily agreed to recognise a trade union and bargain with it. The Government do not believe that they should be in the business of forcing employers or their workers to enter into collective bargaining arrangements if they do not wish to do so. Instead, we prefer a voluntary and democratic approach. However, where an employer refuses to recognise a trade union voluntarily, our legislation provides for a statutory recognition procedure.

In 2018-19, the Central Arbitration Committee received 56 trade union recognition applications. Of those, six were able to reach agreement without the need for a ballot, including that reached between the employer Babcock Mission Critical Services Onshore and Prospect. A total of 25 applications were withdrawn and, encouragingly, 13 of these were because the employers and unions were able to reach agreement voluntarily. The key point I wish to reiterate is that if a majority of workers in a workplace want to organise and be represented by a trade union, they have the right to secure trade union recognition for collective bargaining purposes.

The Government recognise the important role that trade unions play in the UK economy and society and, personally, I hope that that continues for many years to come. Individual workers have the right to join a union and take part in union activities. Unions, through their individual members and officials, effectively have the right to recruit and organise in the workplace. Unions are also free to seek collective bargaining agreements with employers. If necessary, they can obtain statutory trade union recognition as long as they can demonstrate majority support for union recognition in the workplace. Our legislation therefore does not need amending. It is well established, and has been backed by successive

Governments. If workers and unions want collective bargaining in workplaces across the UK, they are free to organise to achieve that.

Siobhain McDonagh (in the Chair): I apologise that we have until only 6 o'clock.

5.59 pm

Faisal Rashid: I thank all my hon. Friends who have taken part in the debate. Every one of them has made excellent and eloquent points. In the few seconds I have left, I wish to respond to the Minister. I am very disappointed, because 80% to 90% of his response was about what union members can do rather than about trade unions' access to the workplace. I totally appreciate that he is substituting on his colleague's behalf; however, I reiterate that he should go back and do some real thinking about what we on this side of the House are, with some common sense, proposing.

Motion lapsed (Standing Order No. 10(6)).

Cost of Policing Football

[MR PHILIP HOLLOBONE *in the Chair*]

6 pm

Gill Furniss (Sheffield, Brightside and Hillsborough) (Lab): I beg to move,

That this House has considered the cost of policing football.

It is a pleasure to serve under your chairmanship, Mr Hollobone, and I am grateful to have been granted this important debate. Football policing is an interest of mine and is of particular local interest in my constituency, which is home to the famous Hillsborough stadium—one of England's largest grounds and home to Sheffield Wednesday, which my family have supported for generations. Let us hope they do better this season, but there we go.

I am proud of our football history and of having such an important football ground in our community. However, the cost of policing matches is increasing, and the burden is falling on our already stretched police forces. Despite Wednesday's extended stay in the second tier of English football—something that I am sure will end soon—South Yorkshire police incurs significant match day costs. According to the BBC, the steel city derby between Sheffield Wednesday and Sheffield United in September 2017 was the country's most expensive match to police that year, costing over £200,000. Figures from South Yorkshire police, using a recent improved methodology for calculating match day policing costs, put the cost of this April's steel city derby at Hillsborough at £203,000. That is against a backdrop of unprecedented cuts to our police services.

The Tories' record on policing is one of failure and broken promises. Over 21,000 police officers and 7,000 community support officers have been axed since 2010, despite a promise to protect the frontline. While officer numbers have been slashed, the police have recorded the highest number of offences in a decade, and violent crime has doubled under the Tories and is now at record levels. The Tories have slashed billions from the police since coming into office and broken their promise to protect police budgets after 2015.

Our police forces have had resources drained out by a Government intent on policing on the cheap. Sadly, that means competing and conflicting demands on those vital, yet limited, resources. Knife crime continues to rise, as do other forms of violent crime. Alongside large sporting events such as football games, the police are struggling to keep pace with the scale of incidents to be responded to. In a sense, this debate is regrettable, in that if the Government had not abandoned our police forces, we might not be in the position of asking clubs to help foot the bill. However, given the overstretched nature of policing, we are where we are. The Labour party will invest in our police forces, giving them the proper resources to ensure that our communities are safe.

Professional football clubs rely heavily on the support of police to ensure football matches are safe for fans. Police officers do not just provide safety and reassurance within the bounds of a stadium, but have essential duties in preventing disorder around football grounds before and after matches. I will use my time today to

[Gill Furniss]

highlight three factors that threaten the ability of our police forces to maintain order at football matches. First, as I said in opening, police forces are under the biggest strain they have faced in modern times. They have vastly reduced budgets and are dealing with a rising tide of violence and organised crime within our communities—something that, sadly, I know too well in my constituency. The number of officers available to cover matches is lower than it was, which unfortunately means that police officers must be taken away from neighbourhoods to support match day policing.

Secondly, disorder at football matches is rising. The figures presented to me by the UK football policing unit are stark: disorder has risen, with nearly 38% of professional matches reporting some form of violence or disorder incident during the 2017-18 season, compared with 25% of matches during the 2013-14 season. I have seen police footage of recent disorder at football matches, some of which is truly shocking. Many of those incidents took place away from the ground, where police are often less well positioned to respond. The consistent and sharp rise in hate crime at football matches is particularly concerning: police received reports of hate crime at 127 fixtures in 2017-18, and the campaign group Kick It Out received over 500 reports during the same season. As a society, we still have a long way to go in stamping racism, homophobia and sexism out of our beautiful game. Although education is at the heart of that work, police officers need to be able and ready to clamp down hard on the tiny minority of people who pollute football.

The third problem facing the police is that despite the rise in disorder over recent years, they are able to recover only a small proportion of the money they spend on policing. Mark Roberts, the football policing lead for the National Police Chiefs' Council, has put the cost of policing professional football matches in England and Wales at over £48 million a year, of which police are able to claim back only around £5.5 million from clubs. Why are the police repaid only a fraction of their costs? The question of who pays for football policing is complicated, and has been in dispute for many years. The argument chiefly centres on the cost of policing outside stadiums, whether on closed streets immediately surrounding them or routes to and from the match. Despite the huge wealth that many football clubs have, they consistently challenge the extent to which they should refund the police for their expenditure outside the ground itself.

Currently, the legal position on the extent to which police can charge clubs for match costs is based on an October 2017 Court of Appeal ruling that went in favour of Ipswich Town and against Suffolk police. The ruling in that case was that the police could recover only the costs of policing the stadium itself—not even the immediate surroundings, let alone the wider area. To any of us who attend matches, it is clear that police do a significant amount of extra work outside the stadium to ensure that fans can go to and from matches safely. In giving their judgment, the judges recognised that the situation seemed unfair, but argued that it was for the Government to fix it. That difficult legal situation is significantly worse than it was previously, when the

roads around stadiums were often deemed to be under the control of the football club, and policing costs were therefore recoverable.

The three combined problems of severe police cuts, a rise in match day disorder and legal rulings that are unfavourable to the police mean that both the safety of fans and the sustainability of policing are under threat. It is hardly for me to talk in detail about just how much money is in football, but a few figures will illustrate the resources available, and therefore the ability of clubs to pay a higher percentage of policing costs. In 2017-18, the 20 Premier League clubs alone had combined revenues of over £4.8 billion—almost double the entire budget of the Metropolitan police. One particularly stark fact, which comes from analysis undertaken by the National Police Chiefs' Council, is that the £211 million paid to football agents last year is more than the annual budgets of 27 of the 43 territorial police forces in England and Wales. We should be in no doubt that there is far more money available to top football clubs than to local police forces.

What might be done to create a better situation? I would not want to be too prescriptive in suggesting to the Minister how the situation could be resolved. However, I ask whether he agrees that action needs to be taken. I also ask whether he agrees that any such action needs to be proportionate in how it targets clubs. We need to be aware of those clubs that may suffer incidents of disorder but do not have the financial resources of the top leagues. Full cost recovery could be damaging for many local league clubs, which leads me to support a suggestion by the police that a levy on football TV rights might be the fairest way for police to receive additional funding. The Premier League's total TV rights are now expected to exceed £3 billion a year. To illustrate, a 1% levy could recover enough money to cover a substantial portion of football policing costs and relieve clubs and the police of expensive and time-consuming arguments about the extent of payments.

In public policy today, there is often cross-party support for policies that ensure the costs of dealing with a problem for society are borne by the organisation responsible for the activity causing the issue. We see that with recycling levies for packaging firms and carbon taxes for power companies. Does the Minister agree that the taxes paid by football clubs or footballers cannot be used as an argument against clubs contributing properly to policing costs? Taxes pay for the benefits we all share as a society; football clubs should bear a more representative fraction of the burden for the costs incurred in keeping fans safe.

Dr David Drew (Stroud) (Lab/Co-op): I agree entirely with my hon. Friend. She is making a strongly argued case. The problem is that football clubs are their own worst enemies. They say, "No spectators on the pitch," but they blatantly ignore that when spectators do come on the pitch, as they do when fans bring pyrotechnics or provocative signs into the ground. Clubs owe a responsibility to the vast majority of fans to stamp that out. Does my hon. Friend agree that they could do much more on that?

Gill Furniss: I thank my hon. Friend for that intervention, which makes exactly the point that I am raising. Being a lifelong Wednesday fan builds character, as my nana

used to say, but it also helped me realise that football is wonderful. I am in no way anti-football. We love football; we are a footballing country. I am seeking fair play and a level playing field for police and football clubs. The clubs absolutely can do more. We do not want to go back to the bad old days of 30 or 40 years ago, which some of us will remember, when football was not the family game we have now successfully made it. That is really what I want to get over to the Minister today.

To conclude, I will not let up campaigning for police funding to tackle knife crime and to better protect our communities, but I hope that today's debate raises some important issues for us to consider. Will the Minister outline what the Government will do to share the costs more reasonably between the large clubs and our police forces? In that way, we can not only ensure that football events are properly policed, but support our local police services and ensure that they have sufficient resources to meet all the demands that are placed upon them.

6.12 pm

Peter Aldous (Waveney) (Con): It is a pleasure to serve under your chairmanship, Mr Hollobone. I am most grateful to you, the hon. Member for Sheffield, Brightside and Hillsborough (Gill Furniss) and the Minister for allowing me to say a few words. At the outset I must declare an interest, in that I am a lifelong supporter of Ipswich Town. I am a season ticket holder and a shareholder, although those shares are worthless following the club's administration and the subsequent sale of a controlling interest in the club to the Marcus Evans Group in 2007.

The 2018-19 season goes down as the worst in the club's history, as we finished rock bottom of the championship. Next season, we shall play outside the top two divisions for the first time in 62 years. In that period, we have achieved a great deal. Under the management of two football knights—Sir Alf Ramsey and Sir Bobby Robson—we won the league championship, the FA cup and the UEFA cup. We are the only British club never to lose a home tie in a mainstream European club competition—a record, I sense, we may well retain in perpetuity.

Ipswich's 2018-19 annus horribilis is not the only recent stain on the club's reputation. I am afraid we are one of the reasons for the hon. Lady having to secure a debate on this matter. It was Ipswich Town, under the ownership of Marcus Evans, that took Suffolk constabulary to court, and in so doing overturned the principle whereby police forces were able to charge for the deployment of officers on land "owned, leased or controlled" by football clubs. That ruling changed the interpretation of the word "controlled". Land outside the stadium that is used by a football club, such as to facilitate the entrance and exit of supporters, for granting concessions, such as to burger vans, or for restricting vehicle access by way of temporary road restriction orders, is now defined as "public land". Police forces are unable to charge full cost recovery on such areas.

I should briefly explain what happens at Ipswich on match days. A few hours before the match until a few hours afterwards, two public roads—Portman Road and Sir Alf Ramsey Way—that immediately adjoin the ground are closed to traffic. They, in effect, become part of the stadium. In the court case, Suffolk constabulary's

contention was that policing the roads during those periods is inseparably linked to activities taking place inside the stadium, and thus they fall within Ipswich Town's responsibility. To me, that seems a logical conclusion. While in many ways I am not qualified to question the court's ruling, its decision appears perverse.

At Ipswich, the away supporters are seated in the Cobbold stand, which is on Portman Road. A potential trouble hotspot for policing is the junction between Portman Road and Sir Alf Ramsey Way, where home and away fans mingle. That risk was heightened in the matches with Leeds United in the past two seasons. Season ticket holders were moved from their seats in the Cobbold stand so that the whole upper tier could be used by away fans, which generated additional income for Ipswich Town.

In that context, it is wrong that Suffolk police are currently not able to recover in full the cost of policing Portman Road and Sir Alf Ramsey Way. For the two matches against Leeds United, it was necessary for them to deploy additional resources, including mounted police from a neighbouring force. The system before the court case, which had operated since 2012, worked well and thus I urge the Government to bring forward legislation as soon as practically possible. I think there would be strong support from all parts of the House for embedding the previous 2012 framework in statute as soon as possible.

6.17 pm

The Minister for Policing and the Fire Service (Mr Nick Hurd): It is a huge pleasure to serve under your chairmanship, Mr Hollobone, and to respond to a debate secured by the hon. Member for Sheffield, Brightside and Hillsborough (Gill Furniss). I was delighted to be shadowed by her when I was Minister with responsibility for industry. I know she is passionate about steel and Sheffield, but we now learn that she has long had the character-forming habit of supporting Sheffield Wednesday. There was a whiff of nostalgia in the air during the debate, which has taken us back to the glory days of Sheffield Wednesday and Ipswich Town. I declare an interest: I am a proud but disappointed Spurs fan. I am ably supported by my hon. Friend the Member for Chichester (Gillian Keegan), who is a proud and exhilarated Scouser.

Three issues underlie this important debate. First, are the public more or less safe than they were at football matches? That matters. Secondly, are we in the right place with regard to the role of the police and how they recover their costs for their work at football games? Thirdly, there is the much bigger issue of whether the police have the support they need to do difficult and invaluable work on our behalf. I hope to address all three issues in the time I have.

First, are the public more or less safe in attending a football match now? The answer has to be yes, they are safer. The hon. Member for Sheffield, Brightside and Hillsborough alluded to that when she harked back to the bad old days of the '70s and '80s, when the beautiful game was marred by what we saw and heard in our football stadiums and arenas. They are a completely different place now. The number of football-related arrests has reduced steadily since 2000 and is down 50% since 2010. We now have a combination of preventive

[Mr Nick Hurd]

football banning orders, targeting, public order policing, stadium ejections and modern in-stadium security. Frankly, there have also been changes in supporter attitudes. We are in a different place, as a result of very good work over the years by the Government, football authorities, football clubs, the police and fans. Everyone has played their part.

We must keep this in perspective, but a minority of supporters will always be prepared to organise violence, engage in disorder and, as the hon. Lady rightly pointed out, indulge in racism, homophobia and hate crime. That is where we are, so of course the police need to continue to be involved in keeping the peace around big football games. I will now address how that works, and how they recover costs.

As the hon. Lady pointed out, the police can charge for special police services under section 25 of the Police Act 1996. Legislation and case law—a point raised powerfully by my hon. Friend the Member for Waveney (Peter Aldous)—means that the police can claim back only those preventive policing costs that were incurred on land owned by football clubs, which in practice normally means inside the grounds, and they must be asked to do such policing by the club. The result is that football clubs often rely on stewards inside the grounds, with the police waiting outside, ready to be called in. That means that the cost of the police is borne by the taxpayer.

What does that mean for costs? The hon. Member for Sheffield, Brightside and Hillsborough rightly reported the costs relayed to us by the police. I pay tribute to the work of Deputy Chief Constable Mark Roberts, who was passionate and assiduous in pressing Ministers at the Home Office on the issue, and in making the case for rethinking how the partnership between police and football works. The numbers presented to us are exactly those presented by the hon. Lady. The police estimate a cost of around £48 million a year, of which they feel they can recover just over £5 million, leaving a £42 million shortfall. That is a significant number when broken down into the number of police officers, for example, and as the Minister with responsibility for the police, I am concerned about that.

The hon. Lady made a point that I think everyone will understand about the enormous amounts of money in the game or, more specifically, at the top of the game. People will rightly wonder why on earth rich football clubs do not do more to contribute to the costs of policing their games, given how much money they earn from them. The hon. Lady was typically thoughtful in her approach. She did not have much time for the arguments of the Premier League in this context, but we should recognise and place on the record that my colleagues at the Department for Digital, Culture, Media and Sport negotiate with the football leagues a very significant—£100 million a year—contribution to grassroots projects.

The Premier League pays a great deal of tax. Football supporters are taxpayers—indeed, they will argue that they are entitled to a service—and the Premier League will ask why football should be singled out in this context. Those are all arguments to be had and to be made. I give a commitment to the hon. Lady, and to

other interested colleagues, that I will meet the Under-Secretary of State for Digital, Culture, Media and Sport, my hon. Friend the Member for Eastleigh (Mims Davies), next week to talk specifically and exclusively about how we can structure a better, fairer partnership between police and football and, in doing so, reduce the demand on police resources. I am open-minded about how we do that, including about looking at all current frameworks and arrangements.

My third and final point is that we have to put this conversation into the much bigger picture of the funding and resources available to the police. The hon. Member for Sheffield, Brightside and Hillsborough referred to this directly and made political points about it. The £42 million shortfall, if the number from the police is accurate, sits in the context of the £14 billion a year that we taxpayers invest in our police system. The honest truth is that we are asking more and more of our police. The police are extremely stretched. Yes, there continues to be scope to improve their efficiency, but I have been persuaded, almost since I started as Minister with responsibility for the police almost two years ago, that they are too stretched, and that we as a society and as a Government need to give them more support. That has been my priority ever since I have been in the job.

As a result of that work, and the support of successive Home Secretaries and senior colleagues, we as a country are investing over £2 billion more in our police system this year than three years ago. I agreed with almost everything that the hon. Lady said, but I am afraid that she was playing some old tunes from the Labour jukebox around cuts to policing. The music has changed; the Government have recognised the pressure on the police. The demand on the police has risen and become increasingly complex, and they are too stretched and need more support from us and from the taxpayer.

Overall, crime is stable. Some crime is rising, but police work is becoming increasingly complex and resource intensive. They need more support, and we absolutely get that. I have been very clear on that as the Policing Minister. There will be an additional £1 billion this year—£2 billion more than three years ago. For South Yorkshire Police, that is an additional £16 million this year, on top of three years of special grant funding of £24 million, and an additional £2.5 million this year to support the work against serious violence to which the hon. Lady referred. I am sure that she will welcome the fact that the chief constable is recruiting more officers in South Yorkshire, though she will argue that more needs to be done. For what it is worth, I agree.

Although we have made considerable progress in securing more resource for the police, looking forward to the comprehensive spending review and considering what is likely to happen in terms of the demand on the police, I am clear that we need to go further. I am delighted to have the support of the Home Secretary, who has made it crystal clear, explicitly and in public, that should he remain Home Secretary, which is not the summit of his ambitions at the moment, he will prioritise police funding in the Home Office bid for the comprehensive spending review.

I reassure the hon. Member for Sheffield, Brightside and Hillsborough that we are working more closely than ever with the police on building a credible bid to secure additional resources, so that they can: increase their capacity and capabilities, which is necessary; do

more crime prevention, which is necessary; upgrade their technology, which is necessary; and give better support to frontline officers—the most important assets in the police system—which is necessary. Those are all necessary conditions if the police are to improve the service that they deliver to our constituents and the public. That improvement is necessary given the rapidly shifting picture of rising demand on the police. I am committed, as I know the Home Secretary is, to doing more to support the police in that way.

On the points about funding and football, I make the following commitment: I will sit down with the Minister with responsibility for sport next week to discuss further what we can do as a Government to get a better balance in this relationship, to make the partnership between police and football work more effectively, and to reduce the cost on policing. We should keep things in perspective; going to a football match is a lot safer than it was many years ago, and it is a much more enjoyable environment. The police do extremely important work in that area, and will continue to do so.

We must get the structure right. I am not persuaded that we are in the right place at the moment, and I value the debate, and the contribution made by the hon. Member for Sheffield, Brightside and Hillsborough and other Members. She has my full undertaking that I will follow this matter up next week. Critically, when it comes to the comprehensive spending review, I fully intend to build on the work of the last two years in ensuring that our police officers and police system have the support that they need to do such incredibly important work on our behalf.

Question put and agreed to.

Education Funding

6.29 pm

Gordon Henderson (Sittingbourne and Sheppey) (Con): I beg to move,

That this House has considered education funding.

It is a genuine pleasure to serve under your chairmanship, Mr Hollobone. As hon. Members know, there are lies, damned lies and statistics, but following the letter I received in April from the Secretary of State for Education about school results and resourcing, nationally and in Kent, I am tempted to add Department for Education briefings on school funding to that list.

To begin with a positive reaction to that three-page letter, my constituency is in Kent, so mention of our county was an encouraging start. To be fair, the letter contained information that was, on the face of it, good news. For example, 91% of children in Kent attend schools rated good or outstanding, compared with just 64% in 2010. In addition, 67% of Kent pupils reached the expected standard of reading, writing and maths at key stage 2, compared with 65% nationally. So far, so good. Except that when we consider what is happening on the ground in my constituency, those county-wide figure hide an inconvenient truth.

Let us take the standard of reading. A ward in my constituency is in the bottom 100 of 10,000 local council wards in England for adult literacy. That is an historical, long-term problem that will be solved only by targeted intervention and extra funding for adult education. A couple of years ago, I decided to try to do something about it, so as a first step I approached a local housing association to see if we could identify adults in our area who needed help. Our plan was to set up local clubs that would allow volunteer mentors to teach illiterate adults how to read and write. The stumbling block, as always, was the lack of funds. When I wrote to the Department for help, I was told that no grant funding was available. Those illiterate people in my constituency had been let down by the education system when they were at school as children, and they are still being let down by the system as adults.

Andrea Jenkyns (Morley and Outwood) (Con): Research by the Institute for Fiscal Studies shows that per-pupil funding has been squeezed, particularly for 16 to 18-year-olds. Does my hon. Friend agree that the Government should make that a priority, especially to enhance social mobility in the areas he is discussing?

Gordon Henderson: I agree; I will come to the national funding formula later, if my hon. Friend will bear with me.

I will continue my thread about illiteracy, which is a huge problem in my constituency. We had several skills companies in my area, which taught adults basic literacy in preparation for the vocational training that they provided. Because of the new funding system for skills providers, however, which discriminates against constituencies such as mine, one of those companies has had to close and another is struggling financially.

The Secretary of State's letter boasted that in Kent, an extra 27,300 school places have been added since 2010, including the establishment of 10 free schools, and that a further 13 new schools have been cleared to

[Gordon Henderson]

be created in coming years. Again, however, that statistic hides an inconvenient truth, which is that many schools in my constituency are bursting at the seams, particularly the secondary schools in Sittingbourne, where an already dire situation is being made worse by the ludicrous independent appeals procedure.

One of my local schools has a published admission number of 285 pupils, but because of the shortage of places in Sittingbourne secondary schools, and following a request from Kent County Council, the head agreed to increase this year's intake to 330. In turn, Kent County Council committed to fund the building of a new classroom block to accommodate the extra 45 children. During the building work, which is due to start in the summer, four classrooms will have to be decommissioned, but despite that, the school was confident that it would be able to accommodate the additional pupils.

Then the independent appeals panel stepped in. It heard appeals from 53 parents who wanted to send their children to that school. Bizarrely, it upheld all 53 appeals, so the school is faced with finding accommodation for a total intake of 383 pupils. The knock-on effect of such a dramatic increase is horrendous. The head's first question is, if there was room to build additional accommodation—which, incidentally, there is not—who would fund it? Nobody has been able to answer that question yet. Kent County Council has made it clear that it will not borrow any more money to fund the building of additional schools or buildings. Quite rightly, it believes that the Government should fund those schools via the basic need grant system.

Other secondary schools in Sittingbourne face a similar situation of demand outstripping the number of available places. That problem was brought about by the rapid population increase in my constituency, which was driven by Government housing targets that were imposed without any additional Government funds being allocated to ensure that the necessary infrastructure was put in place first. It is all very well for the Department to claim that 27,340 additional school places have been created in Kent, but few of those places are in the areas of most need. Frankly, without the funding to provide more schools where places are needed, the statistic is meaningless.

On funding, the Secretary of State talks in his letter about the 2019-20 national funding formula allocation to Kent and explains that the county will get £3,793 per primary pupil and £4,941 per secondary pupil. Those figures graphically illustrate the historical underfunding of Kent schools, which is put into sharp relief by the comparable funding figures in Greenwich, which are £4,907 per primary pupil and £6,698 per secondary pupil. Hon. Members might point out that Greenwich is an outer London borough with areas of deep social deprivation, but I have news for them: Kent is not entirely made up of affluent areas such as Sevenoaks and Tunbridge Wells. Many areas, particularly in Thanet and Swale where my constituency is, have council wards with social deprivation as deep as any found in outer London.

To take another example, I am sure that hon. Members agree that Essex is a comparable county to Kent; indeed, we are neighbours, albeit separated by the Thames estuary. Essex is due to receive £3,843 per primary pupil

and £5,018 per secondary pupil. I appreciate that they are not huge differences individually, but they make a big difference to school budgets collectively. Why does the Department think that Kent pupils cost less to teach than those in Essex? They do not—indeed, the reverse is often the case—but the difference highlights a long-standing funding deficiency for Kent schools. The figures speak for themselves.

Ms Esther McVey (Tatton) (Con): My hon. Friend is talking so much truth there. It is not just in Kent; it is not just in Essex; it is in Cheshire, and across the country. We are crying out for more funding for our schools. We had £1.3 billion, and that was good. That is why I pledge the £4 billion more that we need for our schools, so that the education standards that my hon. Friend is talking about are the same for everybody throughout the country.

Gordon Henderson: I agree with my right hon. Friend. As a proud man of Kent, and a Kent MP who is doing the best for my constituency, I want to focus on Kent, but I understand that she will have problems in her constituency as well.

The figures speak for themselves. In terms of schools block funding, Kent is ranked 139 out of 152 local authorities. How can that be right or fair, particularly when we consider Kent's location, so close to London, with all the cost pressures that that entails? As we move towards implementation of the national funding formula, Kent will still be 7% below the national average, while inner London boroughs will be 32% above the national average, which means that per pupil funding in inner London will be £1,774 more than in Kent.

That leads me on to another problem that faces many Kent schools, including those in my own area—one that I have raised before in this House and will no doubt raise again and again, until something is done about it. London boroughs are buying up or renting homes in our area into which they place homeless families, many of whom have special social and educational needs. Although the London boroughs pay the housing costs for the families, it is Kent social services and Kent schools that are expected to meet the costs of providing the social and educational help that they need. London boroughs are also increasingly placing cared-for children into Kent, once again without providing the financial support needed to look after and educate those children.

Let me make it very clear that schools in Kent willingly accept their responsibility and meet the financial commitment needed to educate those children. However, their benevolence is putting an additional strain on already stretched school budgets. The strain is particularly acute when it comes to providing special educational needs support. There is already severe pressure on the high needs funding block, and that is being made worse by the ever-increasing number of children in Kent who require SEN support.

The letter from the Secretary of State presented a rosy picture of education funding that simply does not reflect what is actually happening in our schools, nor the problems they face.

Wera Hobhouse (Bath) (LD): The chief executive of a multi-academy trust in my constituency, Gary Lewis, says that next year there will be no A-level French or

German in three of its sixth forms because the schools are no longer able to fund small class sizes. We have to look at education as more than just per pupil funding. We have to look at what we can deliver on the ground. We are not just making our schools poorer; we are making our country poorer. Does the hon. Gentleman agree with me?

Gordon Henderson: I do agree. I sympathise with the hon. Lady when it comes to schools losing the opportunity to teach their children German. I want to get my schools teaching proper English. That is one of the problems we face. We face illiteracy not because people cannot speak German in Sittingbourne and Sheppey, but because they cannot read and write English.

Caroline Lucas (Brighton, Pavilion) (Green): I have teachers in Brighton who are absolutely desperate because they can no longer provide the kind of SEN support they used to be able to. There was a wonderful programme called “Every Child a Reader”, and one of the teachers from Brighton came up to the House of Lords to celebrate taking part in that project. They have now been sacked, and the project no longer works, because they cannot fund it. Does the hon. Gentleman agree that there is a particular irony in that? When there are good projects like that, and we see that they are doing good work, it is an absolute tragedy that they cannot continue.

Gordon Henderson: I am sure that the hon. Lady is right and that many other Members have similar stories to tell. I would just say this about the outlook being presented by the Department for Education: all is not rosy in the garden of England.

Alex Chalk (Cheltenham) (Con): Does my hon. Friend agree with me that one of the problems is that the special schools in all our constituencies are having to contend with a level of demand and complexity that simply was not there 10 years ago? We need to make sure that the funding is there to meet the need that exists.

Gordon Henderson: I agree, but I do so hesitantly, as I have a very good special school in my area, which teaches children with acute physical disabilities. We have now been told by the DFE that my constituency is to get funding for another special school for people with learning difficulties. I am immensely grateful for that, because currently 70 children from my constituency have to travel to the other side of Maidstone every day—some get up at half past 6 or 7 o’clock in the morning and do not get home until half past 5 in the evening—to attend a special school there. I agree, but I do so slightly reluctantly because I am going to get some funds for a special school in my constituency.

I would like to list some of the other problems that headteachers in my constituency say they face, in no particular order. First, they tell me that there is a need for an increase in the overall funding for schools, which should be coupled with a long-term plan that would ensure that the growth in our population is properly addressed. That is very pertinent to my constituency. Secondly, they want to scrap the current system of requesting a three-year forecast from schools without providing any firm information about likely costs and incomes.

Thirdly, we need to find a solution to the growing problem of poor mental health among students and staff, which is coupled with a lack of funding to help those who suffer. Fourthly, headteachers in my constituency are frustrated when they see the DFE focusing on workload reduction while insisting on schools cutting their costs, which inevitably reduces the workforce and increases workloads for the remaining staff. Fifthly, they feel pressurised by the funding arrangements into replacing experienced teachers in order to save money.

Sixthly, headteachers have to manage the impact on school budgets of unfunded mandatory costs, such as the increase in the pay level of support staff brought about by an increase in the living wage. Seventhly, headteachers often struggle to fund the £6,000 needed for each education, health and care plan, and to find the additional money involved in preparing those plans. Eighthly, inflationary pressures continue to undermine any increases to school funding under the new national funding formula. The so-called fair funding formula is simply not fair.

Ninthly, schools are having to divert scarce resources to cover services that were previously supplied by either local authorities or the NHS, and no longer are. Finally, research has found that Kent schools have lost £149.5 million between 2015 and 2019, which averages out at £270 per pupil. Some 510 out of 535 schools in Kent have experienced cuts. One secondary school in my constituency has lost £780,000.

I am lucky in Sittingbourne and Sheppey to have some fantastic, committed school leaders and teachers. However, I fear that without a real boost in investment and funding better targeted to areas where it is most needed such as mine, we are going to lose our best educators to better resourced areas, which would be to the detriment of the children in my constituency.

I know the Education Minister, and I am sure that, in their heart of hearts, he and his colleagues understand the financial challenges faced by schools and that they are lobbying the Treasury hard. I just hope the Chancellor—whoever that turns out to be in November—listens and delivers more money for education in this year’s Budget.

Several hon. Members *rose*—

Mr Philip Hollobone (in the Chair): Order. The debate can last until 7.30 pm. I am obliged to call the Front Benchers no later than 7.12 pm. The guideline limits are five minutes for Her Majesty’s Opposition and 10 minutes for the Minister, and then Mr Henderson has two or three minutes at the end to sum up the debate. Until 7.12 pm, we are in Back-Bench time. There are six Members seeking to contribute—I have a galaxy of talent before me—and I am determined that everybody should have the chance to speak, so there will have to be a time limit of three and a half minutes. That way, everybody will get in. The first contributor will be Kate Green.

6.50 pm

Kate Green (Stretford and Urmston) (Lab): It is a great pleasure to serve under your chairmanship, Mr Hollobone. I congratulate the hon. Member for Sittingbourne and Sheppey (Gordon Henderson) on securing the debate; I agreed with much of what he said.

[Kate Green]

In the spring term, I conducted a survey of headteachers in my constituency to ask about funding pressures in their schools, and the majority were very pessimistic about their prospects over the coming three years. They spoke of having to cut support for vulnerable learners, of the impact of having to make support staff redundant, of having to cut classes—for example, music and swimming lessons—or having to ask parents to pay for lessons, and of the impact that that is having on staff morale. What is worse is that it is the schools serving the most disadvantaged and deprived intakes that are suffering some of the greatest funding pressures, in part for the reasons that the hon. Gentleman rightly raised. The local newspaper, the *Messenger*, reported that four of the five worst affected schools in Trafford, in terms of losing funding, are in my constituency. Those include Broadoak School and Lostock College, which serve particularly disadvantaged intakes and have suffered a real-terms loss in funding of almost £1,000 per pupil since 2015.

The situation is exacerbated by the fact that Trafford—I know this is true for other colleagues—is one of the f40 authorities, which have particularly suffered under the new national funding formula. Although previous Secretaries of State for Education have made efforts to address the inequities that existed, it cannot be right that schools in my constituency in Old Trafford, which serve very similar demographics to those in Salford or Manchester just across the road, should be so poorly funded. That is not to decry the very real need for funding of schools in those boroughs. We must address the fact that the funding formula is still not delivering for poorer and more disadvantaged communities in overall wealthier authorities, or for some of the schools that the hon. Gentleman spoke about.

Laura Smith (Crewe and Nantwich) (Lab): My hon. Friend obviously shares my concern about reports that vulnerable children are being denied access to education because schools are not being given adequate resources. Does she agree that the recent demonstrations—the protests by young people and parents—highlight the enormous strength of feeling about this issue?

Kate Green: The feeling is shared by teachers, students, parents, governors and, indeed, the wider community; my hon. Friend is absolutely right.

My final point in the very short time I have left is that the situation in my borough is even further exacerbated by our selective secondary system. The House is well aware that I am deeply opposed to it, but this is not a debate about the merits or demerits of a selective education approach. However, it cannot be right that the additional funding that the Secretary of State announced last year for grammar schools to expand has in no way benefited the poorest and most disadvantaged children in my constituency. Indeed, the funding that has been secured for Trafford has gone not to schools in my constituency, but to the constituency next door. All the evidence I have seen shows that grammar schools educate a lower proportion of children with special educational needs or children on free school meals—children who need the very best education if they are to achieve their full potential. I strongly urge the Minister to look again at

whether putting funding into the grammar system is the best way of improving the life chances of our poorest and most high-need kids.

6.54 pm

John Howell (Henley) (Con): On the Wednesday before the recess, I submitted a petition to the House that had been signed by just under 1,000 residents of Henley. I will not read it out, but I hope the Minister will agree that it is a friendly petition. I am concerned about the gap between the enormous figures that are increasingly being put into education and what is actually happening on the ground in schools. The petition asked for a review in advance of the comprehensive spending review to settle once and for all what it costs to run education and how we can get that money to schools.

We have tackled a number of issues separately—we have tackled teachers' pay and pensions, and agreed to fund them—but we need to know in what other areas funding is falling short in the squeeze that has occurred between keeping the budgets more or less as they are and inflation. Every year, the Minister makes the honest claim that we are spending more on the revenue budget for schools than we were the previous year. That is a very laudable thing to have done, provided the money actually gets to the schools themselves.

One of the things that will help is to bring out the difference between a soft formula and a hard formula. We have a soft formula at the moment, and local authorities have a role in distributing and, indeed, top-slicing the funds before they get to the school. It might be thought that they do not top-slice very much, but they do, and it can make a big difference to the schools. That also applies to schools that are part of multi-academy trusts. We must ensure that, in creating such trusts, we are not just creating another local authority equivalent that is able to top-slice more and more funds, resulting in schools getting less and less. A review and a move to a hard funding formula would be a very good way forward.

I will finish on a completely different matter. Apprenticeships form a large part of further education colleges' income. In the Henley constituency, I am organising an evening to bring together schools and businesses in order to see what apprenticeships they want to fund and how they can be funded.

6.57 pm

Jim Shannon (Strangford) (DUP): I congratulate the hon. Member for Sittingbourne and Sheppey (Gordon Henderson) on raising this issue. Although I realise that this is a devolved matter in Northern Ireland—the Minister knows that—I want to add to the debate to show how far these issues go in the United Kingdom. Indeed, they go as far as Northern Ireland.

Northern Ireland is recognised worldwide as having one of the best education systems. I have said many times over the years that I take great pride in that, but we are in danger of losing our wonderful education system due to the budgetary issues. The money is there, but it is not being allocated in the way that it should be.

I see a budgetary allocation that leads to parent teacher associations fundraising to pay for classroom assistants' wages, rather than buy additional extras that enhance the children's education. I see primary and post-primary schools being forced to take classes up to

the statutory maximum without adequate support, as they need every penny of funding for children to make ends meet. I see staffing issues, such as staff being instructed by their unions not to organise after-hours meetings or run after-school clubs, or staff having to cross the picket line—such is their love for their children. I see qualified teachers working as classroom assistants or subbing for two days. When older teachers on the top pay band retire and are replaced by a new teacher, the savings should go to the school, not to the board that is negotiating the exit package. I see education authorities and boards with sufficient funds to send staff on team-building days. At the same time, I see headteachers attempting to teach classes as well as run their school. I see P1 parents being asked to bring in baby wipes and toilet rolls, as the school is no longer in a position to supply them.

I thank God for the parent teacher associations, the teachers and classroom assistants who work well beyond their paid hours, and the music volunteers who teach at no cost to the school. That does not make me less ashamed of the predicament of our education system because of the unwise and reduced allocation of funding. The stress on headteachers who are trying to balance the books is a disgrace. Only love for their school and their pupils would allow anyone to do that work.

We need to allocate an acceptable level of funding per child, as determined by their school's area. I am concerned about the strain on teachers and schools to provide a world-class education that they can provide only with a decent budget. The Northern Ireland Affairs Committee has conducted an inquiry into the education system in Northern Ireland because the Assembly is not functioning correctly. I know that it is not the Minister's responsibility to answer to those things, but they tell us about the crisis in education across the United Kingdom.

Let the PTA fundraise for school outings or for the latest gadget for the school. Let the Education Authority do its job by paying for the heating, lights, teachers, classroom assistants, cleaners and dinner staff, and the pens and paper. It was not too much for the Government to provide for my education during my time in the education system in Northern Ireland, so why does it seem so far out of the grasp of the Education Authority right now?

7.1 pm

Rachael Maskell (York Central) (Lab/Co-op): The spring statement came and went, and I am still here making the plea for the worst-funded schools in the country, which are in York. We cannot go on like this; we have had many debates about funding for schools in this Chamber, but the situation does not improve. Schools are struggling more and more every week, which I experience as I talk to schools across York.

There are particular things that need urgent attention, such as the capital funding of many of our schools. Some schools are crumbling, such as Tang Hall Primary, where the children are so cold as they study, or Carr Junior School, which desperately needs building upgrades but is unable to access the funding it needs. All Saints Roman Catholic School, a secondary school, is on a split site and needs a new location in which to educate its children.

I want to focus on disadvantage. In my constituency, Tang Hall Primary, which as I mentioned needs infrastructure upgrades, saw a spending drop of £559 per pupil, whereas in more affluent areas of the city, the drop was smaller. The Government funding formula is therefore punishing disadvantage and the children who most need resources to advance their education. That is driving inequality into the system for the long term.

In York, we already have real issues, with an attainment gap of 31 points—the largest attainment gap in the country—as well as the worst funding. I say again to the Minister that the two are correlated. I still wait for a response and for recognition of that fact. The cuts across the city are resulting in some of the largest increases in class sizes in the country and the biggest reduction in staff numbers. Those facts cannot be denied.

It is the wider impact that that is having on children's opportunities and on their health and wellbeing that causes me the most concern. A secondary school in my constituency wants to employ more mental health staff to support the children. I recognise that schools might not have had to deal with those challenges a decade ago, but they do have to deal with them now. It is therefore incumbent on the Minister to ensure that schools are properly resourced to ensure the holistic wellbeing of the children. Only when that is in place will children be able to learn as best they can.

I will turn to my secondary schools. Archbishop Holgate's School, for instance, will not have the capacity to teach children next year, because of the expansion of class sizes and the demands on space. South Bank Academy is also struggling for space, yet the Government have just refused to build a new school in York.

We are struggling and it is time that the Minister recognised the challenges faced by different places in the country, instead of hiding behind figures and saying, "More money is going into schools." We recognise that they can talk about headline figures, but the money is not going to the right places. Per pupil funding is falling, which is evidenced by the statistics that we continue to churn out, and the money is not going towards building the school system that we desperately need for our children in the future.

7.4 pm

Matt Western (Warwick and Leamington) (Lab): It is a pleasure to serve under your chairmanship, Mr Hollobone. I thank the hon. Member for Sittingbourne and Sheppey (Gordon Henderson) for securing this important debate.

The issue of general funding is beginning to sound a bit like a broken record. The Government claim to spend record amounts on education, but claiming to spend a pound more this year than last year is irrelevant, because it is meaningless in real terms. That is the basis of the debate; per pupil funding is falling in real terms. It is widely known that it has fallen by 8.8%.

The Government have succeeded in delegating the risk and responsibility entirely to schools. Warwickshire is 120th of 140 in the funding per pupil rankings and is one of the worst-off areas in the country. Although Warwickshire does not have it as tough as what my hon. Friend the Member for York Central (Rachael Maskell) illustrated, it has it tough none the less, and is a member of the f40.

[Matt Western]

I do not want to dwell on other areas of education—we have recently had debates about nursery education and further education, which have also suffered severe cuts—but will illustrate some of the challenges in our primary, secondary and special needs education sectors. Just 10 days ago, I visited one of the best primary schools in Warwickshire. The headteacher just sat there frustrated, saying, “This afternoon I will have to decide how to cut £50,000 from our budget. That is a further £50,000 and I am not sure who I will have to let go.” Those are the real challenges faced by the headteachers and leadership teams across our schools.

I spoke to one of my secondary schools a couple of months ago and it said that in the past three years it has had to cut 11 full-time teachers, leading to larger class sizes. The remaining teachers have to cover their colleagues who are off sick. The school has had to make cuts in associate staff in the back office and in frontline services, such as teaching assistants.

Schools face the consequences of austerity because of cuts to wider public services. Just this week, one school said that because of the cuts to the council’s children’s services, it has closed yet another case. The responsibility to pick up the pieces of a very challenging situation will now fall to that school, bringing ever greater pressures. It had to lose its school counsellor last term. It is faced with a dilemma: does it replace that counsellor or invest in support for students with the most complex needs?

One of our fine special needs schools in south Warwick has had to lose its comfort dog, half its playground and its minibus, which it cannot afford to replace, because of the cuts that it faces. Those are some of the most vulnerable children in our society, and they are being hurt the hardest. That is just not right.

Our sixth forms have seen cuts of 24% to their budgets and a reduction in their choices. One of my sixth forms has had to close. Education is an investment not just in our young people, but in our future. It is time that we invested in them, stopped the cuts and held a review of the fair funding formula.

7.8 pm

Caroline Lucas (Brighton, Pavilion) (Green): I congratulate the hon. Member for Sittingbourne and Sheppey (Gordon Henderson) on securing this important debate. My experience in Brighton and Hove echoes the many stories that we have heard from around the country. It is quite clear that our schools are buckling under the pressure to do more with less. With their general budgets savaged by more than 8% in real terms, it is not surprising that they have to make devastating cuts.

As the hon. Member for York Central (Rachael Maskell) said, we have this debate time and again. The Government tell us that austerity is supposed to be over, so let us see that in our schools. Right now, our schools know that Ministers are not being straight when they say that they are spending more per pupil or in real terms; actually, less is being spent per pupil and in real terms, and any attempt to say otherwise glosses over a serious and damaging crisis.

Headteachers in Brighton write to me regularly and in desperate terms about the sleepless nights that they face because of the impact of the funding crisis on their

ability to support pupils, particularly those with complex needs. The Local Government Association identified a potential £1.6 billion deficit in special needs education funding, but the Government responded with an inadequate £350 million. Headteachers say that that is obviously too little, too late.

These are the kinds of things that headteachers have said:

“We have less support staff than we need to run the school effectively and give the children the support they need”,

and

“We will have to drop our counsellor service”.

One described

“having sleepless nights trying...to make the budget work”,

and another said:

“We have already closed our nursery, reduced staffing through redundancies and not replacing those who have moved on to save money. The support we have for children with special needs is now at a basic level particularly for those who struggle socially and emotionally.”

I have many more quotes from our teachers, who are struggling so much to make ends meet. The Minister needs to listen far more closely to them.

I want to say a word about sixth-form funding. Sixth forms, too, are in a difficult position, with huge funding pressures. I have two fantastic sixth-form colleges in my constituency: BHASVIC, the Brighton, Hove and Sussex Sixth Form College; and Varndean College. Funding for 16 to 18-year-olds has also been savagely cut: according to research by London Economics, in real terms, sixth-form colleges received about £1,300 less per student in 2016-17 than they did in 2010-11. That is a 22% decline in funding. The Institute for Fiscal Studies said:

“Funding per student aged 16–18 has seen the biggest squeeze of all stages of education for young people in recent years.”

At the same time, costs have risen, the needs of students have become more complex, and Government are asking more of school and colleges. The purchasing power of sixth-form funding has been hugely diminished as a result. I am sure that the Minister has seen the powerful funding impact survey by the Sixth Form Colleges Association, which makes genuinely shocking reading. It reports that 50% of schools and colleges are dropping modern foreign languages, and 34% are dropping STEM—science, technology, engineering and maths—subjects. The only way to address that funding crisis in 16-to-18 education is to raise the rate per student. I implore the Minister to do that, and to listen to the many people who say exactly the same.

7.11 pm

Mike Kane (Wythenshawe and Sale East) (Lab): It is a pleasure to serve under your chairmanship, Mr Hollobone.

I congratulate the hon. Member for Sittingbourne and Sheppey (Gordon Henderson) on securing this timely and important debate. I thank everyone else for contributing, including my constituency neighbour, my hon. Friend the Member for Stretford and Urmston (Kate Green). To make a parochial point, at least Trafford now has a majority Labour council, under the superb leadership of Councillor Andrew Western; that will mitigate some of the pressures on schools in our borough. I also thank the hon. Members for Henley (John Howell), for Strangford (Jim Shannon), and for Brighton, Pavilion

(Caroline Lucas), and my hon. Friends the Members for York Central (Rachael Maskell), and for Warwick and Leamington (Matt Western).

In a moment, the Minister will say that more money is going into education than ever before, but Members—not just in this Chamber, but Conservative party leadership candidates—are saying that it is not enough. The right hon. Member for Uxbridge and South Ruislip (Boris Johnson) said that all schools should “level up”, that there should be no differentiation in funding formulas, and that school funding should be protected “in real terms”. There are no facts or figures behind that statement, but he obviously does not want the truth to get in the way of a good story on education.

The right hon. Member for Surrey Heath (Michael Gove), a former Education Secretary, said that he wants £1 billion extra, but this Government took £5 billion out of the system. He plucked another figure out of the air, just as he threw this country’s education system up in the air in 2010 and let it shatter. We are still trying to reassemble the pieces.

The right hon. Member for Forest of Dean (Mr Harper) said that some of that £20 billion extra going into our NHS should be used for our schools, which is robbing Peter to pay Paul. This is my favourite: the right hon. Member for Esher and Walton (Dominic Raab) wants private companies to run schools for a profit—so it will not just be the NHS that is open to trade negotiations. The right hon. Member for West Suffolk (Matt Hancock) made a spending pledge that the Minister will like: he pledged an extra £3 billion a year, in a spending spree that would go on for five years. I make that £15 billion. I can see the Minister smiling, but that gets us towards where we need to be.

We can be in no doubt that schools are in crisis. The Chancellor of the Exchequer and the Education Secretary have both stated in the main Chamber that every school in England will see a cash-terms increase in their funding, but that flies in the face of reality. Our schools have experienced cuts across the board. Since 2015, the Government have cut £2.7 billion from school budgets in England. Only last week, concerned parents and teachers protested in their thousands about cuts to special educational needs provision. According to research by the National Education Union, such provision in England is down by £1.2 billion, because of shortfalls in funding increases from the Government since 2015. The Government’s own data show that 4,000 children or young people with an education, health and care plan or statement were awaiting provision in January 2018. In other words, they were waiting for a place in education.

As we have heard in Members’ stories today, the cuts mean that teachers are buying essential supplies, bringing in breakfast cereals for food-hungry children, and having to source shoes, uniforms and coats for children whose parents can no longer afford to provide them. Schools are starting late or closing early to save money, and the curriculum is narrowing. There is a crisis in our schools and this Government are turning a blind eye to it. They have made a concerted effort to fudge the figures, and to deflect attention from the school funding cuts over which they have presided. Across the country, schools are having to write to parents to ask for money to buy basic resources. They need money not for little extras, but for essentials.

If funding per pupil had been maintained in value since 2015, school funding overall would be £5.1 billion higher now, so 91% of schools face real-terms cuts. People in this Chamber know all too well the impact on the ground. The average shortfall is more than £67,000 in primary school budgets, and more than £273,000 in secondary school budgets. Our schools have 137,000 more pupils, but 5,400 fewer teachers, 2,800 fewer teaching assistants, 1,400 fewer support staff and 1,200 fewer auxiliary staff. The Government need to stop their sticking-plaster approach to school finances and give schools the funding that they really need.

7.16 pm

The Minister for School Standards (Nick Gibb): It is a real pleasure to serve under your chairmanship, Mr Hollobone. I congratulate my hon. Friend the Member for Sittingbourne and Sheppey (Gordon Henderson) on securing this debate and on his excellent opening speech.

The Government are determined to create a world-class education system that offers opportunities to everyone, no matter their circumstances or where they live. That is why we are investing in our education system, to ensure that schools have the resources that they need to make that happen. The point of our investment is to help children to achieve, and I will first emphasise the significant progress we are already making towards creating a world-class education system.

Thanks in part to our reforms, the proportion of pupils in good or outstanding schools has increased from 66% in 2010 to 85% in 2018. My hon. Friend cited the figures in his local area as well. In primary schools, our more rigorous curriculum—now on a par with the highest-performing ones in the world—has been taught since September 2014. Since it was first tested in 2016, the proportion of primary school pupils reaching the expected standard in the maths test has risen from 70% to 76% in 2018; and in reading, which is dear to my hon. Friend’s heart, from 66% to 75% in 2018.

In secondary schools, the more rigorous academic curriculum and qualifications support social mobility by ensuring that disadvantaged children have the same opportunities for a knowledge-rich curriculum, and the same career and life opportunities as their peers. In primary schools, the attainment gap between the most disadvantaged pupils and their peers, measured by the disadvantage gap index, has narrowed by 13.2% since 2011.

To support such improvements, the Government prioritised education funding while having to take some difficult decisions in other areas of public spending. We have been able to do that because of our balanced approach to the public finances and our stewardship of the economy, which has reduced the annual deficit from an unsustainable 10% of GDP, or some £150 billion a year, to 2% by 2018. The economic stability that that has provided has resulted in employment rising to record levels and unemployment being at its lowest level since the 1970s, halving youth unemployment and giving young people leaving school more opportunities to have jobs and start their careers.

It is that balanced approach that allows us to invest in public services and education. Core funding for schools and high needs has risen from almost £41 billion in 2017-18 to £43.5 billion this year. That includes the

[Nick Gibb]

extra £1.3 billion for schools and high needs announced in 2017, which we invested across 2018-19 and 2019-20, over and above plans set out in 2015. That means that, while we do recognise the budgeting challenges that schools have faced, funding remains high by historical standards. Figures from the Institute for Fiscal Studies show that real-terms per-pupil funding for five to 16-year-olds in 2020 will be more than 50% higher than it was in 2000. However, that does not mean that we do not understand the pressures that schools face.

We are committed to direct school funding where it is needed most. This is why, since April last year, we have started to distribute funding to schools through the national funding formula. The formula is a fairer way to distribute school funding because each area's allocation takes into account the individual needs and characteristics of its schools and pupils. That means that, as indicated by my hon. Friend, Kent's allocation will not be the same as that of an area where pupils have a greater amount of additional needs. It is right that schools with a higher proportion of pupils with additional needs, such as those indicated by deprivation or low prior attainment, should get extra funding.

My hon. Friend cited the overall average funding per pupil in Kent compared with Greenwich. Those figures are averages and reflect overall numbers of children with additional needs in those two local authority areas. In each authority, Greenwich and Kent, a child with particular additional needs will be funded on the same basis. The only difference between the funding that the pupils will attract will be the area cost adjustment, reflecting salary costs in the two areas. That represents about £831 million in overall funding out of the £34 billion school funding total. Areas will not receive the same amount, but they receive per pupil on the same basis.

I refer my hon. Friend and other hon. Members to the schedules that show how the national funding formula is made up. Local authorities will attract the same figure for every primary school pupil in 2019-20, regardless of where they are in the country, and the same figure for secondary and key stage 4. That represents about 73% of the total funding per pupil. The remaining 27% is made up of additional needs. For example, a pupil who has qualified for free school meals in the last six years will attract £540 in primary and £785 in secondary. If that secondary school pupil is in band D of the income deprivation affecting children index, they will attract another £515. If that secondary school pupil has low prior attainment based on primary school results, they will attract an additional £1,550. If that secondary school child has English as an additional language, they will attract an additional £1,385. That applies whether that pupil lives in Sheppey, Greenwich or York. The only difference will be that those figures are multiplied by the percentage area cost adjustment.¹

Schools are already benefiting from the gains delivered by the national funding formula. Since 2017, we have given every local authority more money for every pupil in every school, while allocating the biggest increases to the schools that the previous system left most underfunded. This year, all schools have attracted an increase of at least 1% per pupil compared with their 2017-18 baselines and the most underfunded schools have attracted up to 6% more per pupil compared with 2017-18. A caveat to

that is the point raised by my hon. Friend the Member for Henley (John Howell): the local authorities will receive that on the basis of the national funding formula, but we are still using the local formula to allocate that funding to schools. That is why there is a discrepancy between the national funding formula allocations and the actual amounts allocated to the schools. At the moment, we are allowing some discretion and flexibility in the system, so that local authorities can decide how that money is allocated to local authority areas.

Under the national formula, schools in the constituency of my hon. Friend the Member for Sittingbourne and Sheppey will attract an extra 4.8% per pupil in 2019-20 compared with 2017-18. That is what Kent will receive for schools in his constituency. In the constituency of the hon. Member for Stretford and Urmston (Kate Green), schools will attract 2.6% more per pupil in 2019-20 compared with 2017-18. In York Central, schools will attract 5.4% more per pupil in 2019-20 compared with the baseline of 2017-18. The hon. Member for York Central (Rachael Maskell) mentioned Tang Hall Primary School. I add my congratulations to that school, where last year 77% of pupils achieved the expected standard in reading, writing and maths, compared with 64% nationally. They are above average in reading and well above average in writing.

Rachael Maskell: I appreciate that the Minister praises the hard work of the teachers in supporting children's learning in that school; however, it is the 23% that I am most concerned about. That we have the largest attainment gap in the country while our funding is the lowest is of great concern.

Nick Gibb: I am concerned about that too. I want that 64% nationally to be significantly higher. That is the drive of this Government. Since 2010, standards have been rising. I am particularly proud of what we have achieved in reading in primary schools. Our nine-year-olds have achieved their highest ever score in the progress in international reading literacy study test—we rose from joint 10th to joint eighth between 2011 and 2016. I hope that, in the long term, that will address the real concerns expressed by my hon. Friend the Member for Sittingbourne and Sheppey.

My hon. Friend raised the issue of capital funding. Government funding for school places is based on local authorities' own data; we fund the places that they report are needed. Local authorities can use that grant funding to provide places in new schools or through expansions of existing schools, and can work with any school in their local area in doing so. Kent has been allocated £328 million to provide new school places between 2011 and 2021. It is for Kent County Council to decide how to allocate that capital. Nationally, the Government have already committed £7 billion to create new school places between 2015 and 2021, which is on top of investment in the free schools programme. We are on track to create 1 million more school places this decade—the largest increase in school capacity in at least two generations.

As important as the funding that schools receive is how they spend those resources. It is essential that we do all that we can to help schools to make the most of every pound. That is why we have set out a strategy to support schools to make savings on the more than £10 billion they spend each year on non-staffing costs.

1. [Official Report, 15 July 2019, Vol. 663, c. 6MC.]

That strategy provides schools with practical advice on how to identify potential savings, including deals to buy energy, computers and so on.

Mr Philip Hollobone (in the Chair): Order. I am afraid we have run out of time; this is the equivalent of the school bell having rung. The Minister may want to send his remarks to the Members present. I call Gordon Henderson to give his closing remarks.

7.27 pm

Gordon Henderson: Thank you, Mr Hollobone. I intend to be brief, so the Minister could probably have finished his speech. I would like to thank all the Members who have taken the trouble to come along to the debate. Westminster Hall debates are often difficult if only the Minister is present. I am delighted that more people have shown an interest.

I thank the Minister for his response. He gave us a lot of statistics—I refer to my opening speech, in which I talked about lies, damned lies and statistics—and I will read *Hansard* with great interest to take them in more fully. I do not think there is anything he could have said

or did say that will convince me that it is right that a secondary school in Greenwich should get so much more—£1,700 more—on average than secondary schools in my constituency.

Nick Gibb: I failed to mention that, in addition to the funding formula, there is a transition—a minimum floor standard whereby we protect schools that would have received less under the formula. That will be another reason for the discrepancy between Greenwich and my hon. Friend's constituency.

Gordon Henderson: I appreciate that, and I hope that my schools will feel the benefit. I would be very surprised if they are as grateful as some might expect them to be. I reiterate that education is the most important gift that we can give people. Sadly, historically, too many people living in my constituency—I am talking about people in their 40s, 50s and 60s—are still unable to read the language of their nation. I think it is shameful that we are not able to find a way through our education system to enable those people to write and read the English language.

7.30 pm

Motion lapsed, and sitting adjourned without Question put (Standing Order No. 10(14)).

Written Statements

Tuesday 4 June 2019

BUSINESS, ENERGY AND INDUSTRIAL STRATEGY

Post Office Network

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Kelly Tolhurst): I wish to provide an update to hon. Members on the steps that the Government are taking to ensure the long-term sustainability and resilience of the post office network.

The Government set the strategic direction for Post Office Limited, to maintain a national network accessible to all and to do so on a sustainable financial basis and allow the company the commercial freedom to deliver this strategy as an independent business.

We recognise the Post Office's distinct social purpose and the important role post offices play in communities across the country, which is why our 2017 manifesto committed to safeguard the network, protect existing rural services and work with the Post Office to extend the availability of business and banking services to families and small businesses in rural areas.

Between 1997 and 2010 the post office network reduced in size by 37%, resulting in the loss of over 7,000 post offices. Since 2010 we have invested over £2 billion in the network. This funding sought to increase the viability of the network by making it more accessible, modern and tailored to customers' needs while reducing the long-term burden on the taxpayer.

The Government have no programme of post office closures. Post Office Limited has opened over 400 branches since April 2017 and the Government are committed to ensuring the long-term sustainability and resilience of the network. We not only place a contractual commitment on Post Office Limited to maintain a network of 11,500 branches, but also stipulate stringent access criteria to ensure that this large network is accessible to citizens across the country. More than 93% of the UK population live within one mile of their nearest branch, with more than 99% within three miles.

There are now over 11,500 branches and the post office network is at its most stable since 2013, having changed in size by under 1% over this period. This overall change accommodates a level of churn in what is an extremely diverse network, as branches close and are replaced, and Post Office Limited is therefore used to working quickly with local stakeholders to provide replacement services.

Government subsidy ensures that branches serving our rural communities that need additional support receive it so that they can stay open. In order to provide value for money for the taxpayer the subsidy to the post office has reduced. This fact reflects the progress that the business has made: returning to profit after 16 years of losses, providing a stable network and reducing its reliance on the taxpayer.

Beyond 2021, Government remain committed to ensuring the long-term sustainability of the network and will work with Post Office Limited to achieve this.

It is crucial that running a post office is attractive and sustainable for postmasters, and they should be fairly remunerated for the services they provide. Post Office Limited's successful renegotiation of the banking framework with 28 high street banks, announced on 15 April, secured a significant increase in the overall fees they receive from the banks. As a result of this, they will double and, in some case, treble the rate that agents receive for processing deposits from October 2019. For example, in a main post office branch, postmasters will receive £8.16 for processing a £8,000 cash deposit, compared with the £3.12 they currently receive.

98% of the post office network is franchised and postmasters are vital to the delivery of the network. The remuneration for delivering post office services should be combined with a successful retail offer in order for postmasters to thrive in today's competitive retail environment.

The Government have rightly moved with the times as many of us now prefer to access services online. Whilst this has an impact on the Post Office, we cannot ignore people's desire to transact with Government digitally from the convenience of their own homes. However, we are also committed to ensuring that its services are accessible to all citizens and the post office network does and will continue to play a key role in this.

We are committed to working with Post Office Limited and our postmasters to develop the business and offer, in order to maintain the delivery of services that our constituents want and need, so that the Post Office remains at the heart of communities across the country.

[HCWS1592]

EDUCATION

Independent Panel Report on Post-18 Education and Funding

The Secretary of State for Education (Damian Hinds): Today I will provide a statement to the House, announcing that the independent panel, chaired by Philip Augar, set up to provide input to the post-18 review of education and funding has now published its report. The report is available in full on gov.uk and was laid as a Command Paper last week.

[HCWS1589]

Student Finance: EEA and Swiss Nationals

The Minister for Universities, Science, Research and Innovation (Chris Skidmore): I am confirming that eligibility rules for students from the EEA and Switzerland, and their family members, who commence courses in England in the academic year starting in August 2020 will remain unchanged. EEA/Swiss nationals will remain eligible for home fee status, undergraduate, postgraduate and advanced learner financial support from Student Finance England for the duration of their course under the

current eligibility rules. This will provide certainty to providers and their prospective students from the EEA and Switzerland.

This announcement also applies to funding for apprenticeships, advanced learner loans and further education 19-plus.

EEA and Swiss students and staff make an important contribution to our universities and it is testament to our system that so many students from abroad choose to come and study here.

[HCWS1593]

HEALTH AND SOCIAL CARE

Interim NHS People Plan

The Minister for Health (Stephen Hammond): Today I am depositing in the Libraries of both Houses a copy of the interim people plan, which sets out the steps the NHS will take to ensure the health system has the people, culture and leadership it needs to deliver the long term plan.

The interim people plan has been developed by Baroness Harding, the Chair of NHS Improvement, in partnership with front-line staff, NHS employers and representative organisations including trades unions and royal colleges. The plan takes an unflinching look at the challenges facing people working across the NHS and, importantly, for the first time considers what action employers and NHS leaders need to take to make the NHS a great place to work. In future, careers in the NHS will better reflect the different lives, aspirations and expectations of those who choose to work in it.

In addition to the action the NHS will take to ensure the NHS is a great place to work, the interim people plan also sets out a number of practical steps the NHS will take now to increase the supply of clinical staff. A consultation is planned exploring proposals to introduce greater pension flexibility, which are designed to address disincentives that may encourage senior clinicians to limit or reduce their workloads whilst participating in the NHS pension scheme. A final people plan will be published soon after the conclusion of the spending review.

[HCWS1587]

HOME DEPARTMENT

False and Authentic Documents Online System: Schengen Opt-out

The Minister for Immigration (Caroline Nokes): The Government have decided not to opt out of the draft regulation that establishes a new legislative basis for FADO and repeals joint action 98/700/JHA.

This is a continuing measure and the Government value the benefits of FADO. It is a very useful EU tool which helps us to validate identity and travel documents, primarily for border, immigration and wider law enforcement purposes. It is a database which contains detailed images of genuine travel and identity documents issued by EU member states and false documents encountered at the border and elsewhere.

We have always been a key contributor to the FADO database and the draft regulation will ensure the continuity and development of FADO. The FADO system itself will remain fundamentally unchanged.

Until the UK leaves the EU we remain a full member, and the Government will continue to consider the application of the UK's opt-out from EU legislation on a case-by-case basis, with a view to maximising the UK's efforts to collaborate with EU on a security partnership once the UK leaves the EU.

[HCWS1588]

JUSTICE

Justice Devolution to Greater Manchester: Refreshed Memorandum of Understanding

The Lord Chancellor and Secretary of State for Justice (Mr David Gauke): On 31 May the Under-Secretary of State for Justice, my hon. Friend the Member for Charnwood (Edward Argar), signed a refreshed memorandum of understanding (MoU) for justice devolution with Greater Manchester Combined Authority (GMCA).

This agreement replaces the current MoU, published in July 2016. It details the priority areas for the delivery of justice outcomes within GMCA. The commitments agreed between the Department (Ministry of Justice) and GMCA build on the previous agreement, recognise new challenges, and identify new opportunities for developing a broader, more integrated approach which improves outcomes and experiences for victims, witnesses, and offenders, as well as the communities and neighbourhoods in which they live.

The aim of the MoU is to increase local influence and improve partnership working to increase efficiencies and reduce reoffending. Delivery will take place within the context of the whole system approach to public services which is advocated by GMCA. The MoU fits with the Government's priority to reduce reoffending and our 2017 manifesto commitment to further enhance the role of police and crime commissioners.

The areas covered in this refreshed MoU are youth justice, smarter justice, adult offender management and the victim's journey. In summary:

Youth justice

With the aim of targeting resources where they can be most effective, the MoU focuses on adopting a preventive, problem-solving approach which puts the people in the right service at the right time. This includes establishing a local consortium to focus on resettlement from custody and prioritising specified cohorts in youth justice policy initiatives, including data sharing. The focus of this section aligns with the youth justice board (YJB) national standards which were published earlier this year.

Smarter justice

We will work towards greater family involvement to support compliance with regular judicial supervision. Along with GMCA we will develop inter-agency planning to increase confidence in community sentences and ensure pre-sentence reports identify vulnerable cohorts. There will also be work carried out to help identify where family-centred principles are best integrated at different points in the system.

Reforming adult offender management

We want to optimise the opportunities created through the new probation model to improve delivery within the context of Greater Manchester's unified approach to

public services. This will include a programme of work to support increased viability of community disposals and to co-design approaches to delivery of probation services that support place-based integration. We will also explore co-commissioning options through the Greater Manchester reform investment fund.

The victim's journey

We will work with GMCA as they seek to improve services for victims to provide a seamless service by using innovative approaches, including digital pathways, jointly evaluating the effectiveness of nationally

commissioned services for victims, agreeing a programme to develop stronger links and ways of working at local level for the benefit of witnesses in GM and working to understand the impact of the criminal injuries compensation scheme on victims of terrorism.

This summary covers the main commitments of the MoU. It is available in full at <https://www.gov.uk/government/publications/moj-gmca-memorandum-of-understanding-for-justice-devolution>. Work will begin now to ensure we jointly deliver these commitments.

[HCWS1591]

Petition

Tuesday 4 June 2019

PRESENTED PETITION

Petition presented to the House but not read on the Floor

Yamuna River

The petition of residents of the United Kingdom ,

Declares that the Yamuna is worshipped by millions and is considered a holy river; the residents of the United Kingdom recognise the work of the save Yamuna

campaign and request that the British Prime Minister work with the Prime Minister of India, Narendra Modi and the Indian Government to treat their industrial and domestic waste and not pour treated or untreated waste water into the Yamuna river and necessarily ensure that adequate natural flow of fresh water throughout the stretch, which starts from Yamunotri to Allahabad.

The petitioners therefore request that the House of Commons urges the Government to assist the Indian Government and take into consideration that there is a dire need to save the Yamuna river and remove toxic waste.

And the petitioners remain, etc.—[*Presented by Keith Vaz .*]

[P002453]

Ministerial Corrections

Tuesday 4 June 2019

EDUCATION

Education

The following are extracts from the debate on 15 May 2019 on the draft Higher Education and Research Act 2017 (Further Implementation etc.) Regulations 2019.

Chris Skidmore: The amendments have been made with the intention to reduce the administrative and regulatory burden on charities and ensure that the OfS has a sufficient regulatory relationship with the relevant exempt charities to be an effective principal regulator. The amendment to the Charities Act made the removal of exempt status automatic upon deregistration, so no action is actually required by the OfS. The OfS can deregister a provider only if certain conditions are met. That covers both conditions on registration, and consideration of the denial of an access and participation plan.

[Official Report, 15 May 2019, Vol. 660, c. 266.]

Chris Skidmore: Separately, regulations 28 and 32 amend the Education (Information About Children in Alternative Provision) (England) Regulations 2007 and the Education (Individual Pupil Information) (Prescribed Persons) (England) Regulations 2009. The provision requires institutions that are not schools in receipt of funding

from the Department for Education to provide certain pupil information to the Secretary of State and other bodies, including HEFCE. The amendment will substitute OfS for HEFCE, as HEFCE no longer exists. That is the same for regulation 32.

[Official Report, 15 May 2019, Vol. 660, c. 267.]

Letter of correction from the Minister for Universities, Science, Research and Innovation:

Errors have been identified in my speech during the debate.

The correct information should have been:

Chris Skidmore: The amendments have been made with the intention to reduce the administrative and regulatory burden on charities and ensure that the OfS has a sufficient regulatory relationship with the relevant exempt charities to be an effective principal regulator. The amendment to the Charities Act made the removal of exempt status automatic upon deregistration, so no action is actually required by the OfS. **The OfS can deregister a provider only if certain conditions are met, one of which is serious breach of conditions of registration.**

Chris Skidmore: Separately, regulations 28 and 32 amend the Education (Information About Children in Alternative Provision) (England) Regulations 2007 and the Education (Individual Pupil Information) (Prescribed Persons) (England) Regulations 2009. **The provision requires both schools and institutions that are not schools in receipt of funding from local authorities to provide certain pupil information to the Secretary of State and other bodies, including HEFCE. The amendment will substitute OfS for HEFCE, as HEFCE no longer exists. The substitution is the same for regulation 32.**

ORAL ANSWERS

Tuesday 4 June 2019

	<i>Col. No.</i>		<i>Col. No.</i>
JUSTICE	1	JUSTICE—continued	
Leaving the EU: Assessment of Implications	18	Privately Run Prisons	10
Legal Aid Reform	15	Probation Service: Complaints System.....	12
Management of Offenders: Local Authorities and PCCs.....	12	Probation Supervision: Short Sentences.....	11
Post-conviction Disclosure	5	Rehabilitating Prisoners: Role of Sport.....	8
Prison and Probation Officers: Gross Misconduct Charges	10	Sexual Offences Act 2003: Definition of Positions of Trust	17
Prison Officer Recruitment	18	Short Sentences	13
Prison Officers: Suicide	1	Support for Litigants in Family Courts	3
Prison Violence	6	Topical Questions	19

WRITTEN STATEMENTS

Tuesday 4 June 2019

	<i>Col. No.</i>		<i>Col. No.</i>
BUSINESS, ENERGY AND INDUSTRIAL		HEALTH AND SOCIAL CARE	3WS
STRATEGY	1WS	Interim NHS People Plan	3WS
Post Office Network	1WS	HOME DEPARTMENT	3WS
EDUCATION	2WS	False and Authentic Documents Online System: Schengen Opt-out	3WS
Independent Panel Report on Post-18 Education and Funding	2WS	JUSTICE	4WS
Student Finance: EEA and Swiss Nationals.....	2WS	Justice Devolution to Greater Manchester: Refreshed Memorandum of Understanding	4WS

PETITION

Tuesday 4 June 2019

	<i>Col. No.</i>	<i>Col. No.</i>
PRESENTED PETITION	1P	
Yamuna River	1P	

MINISTERIAL CORRECTIONS

Tuesday 4 June 2019

	<i>Col. No.</i>
EDUCATION	1MC
Education	1MC

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CONTENTS

Tuesday 4 June 2019

List of Government and Principal Officers of the House

Oral Answers to Questions [Col. 1] [see index inside back page]
Lord Chancellor and Secretary of State for Justice

EU Parliament Elections: Denial of Votes [Col. 25]
Answer to urgent question—(Kevin Foster)

Illegal Seaborne Migration [Col. 37]
Answer to urgent question—(Caroline Nokes)

National Minimum Wage Naming Scheme [Col. 47]
Answer to urgent question—(Kelly Tolhurst)

Post-18 Education and Funding [Col. 55]
Statement—(Damian Hinds)

Political Process in Northern Ireland [Col. 68]
Statement—(Karen Bradley)

Driving (Persons with Dementia) [Col. 78]
*Motion for leave to bring in Bill—(Rachel Maclean)—agreed to
Bill presented, and read the First time*

Wild Animals in Circuses (No. 2) Bill [Col. 81]
Not amended, considered; read the Third time and passed

Petition [Col. 107]

Transport in Hertfordshire [Col. 108]
Debate on motion for Adjournment

Westminster Hall
Telephone and Online Scams [Col. 1WH]
Suggitt's Lane Level Crossing [Col. 21WH]
Trade Union Access to Workplaces [Col. 29WH]
Cost of Policing Football [Col. 54WH]
Education Funding [Col. 62WH]
General Debates

Written Statements [Col. 1WS]

Petition [Col. 1P]
Not presented on the Floor

Ministerial Corrections [Col. 1MC]

Written Answers to Questions [The written answers can now be found at <http://www.parliament.uk/writtenanswers>]
