PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

COUNTER-TERRORISM AND SENTENCING BILL

Eighth Sitting

Tuesday 7 July 2020

(Afternoon)

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not later than

Saturday 11 July 2020

The Committee consisted of the following Members:

Chairs: †Steve McCabe, Mr Laurence Robertson

† Bacon, Gareth *(Orpington)* (Con)
† Butler, Rob *(Aylesbury)* (Con)
† Cadbury, Ruth *(Brentford and Isleworth)* (Lab)
† Charalambous, Bambos *(Enfield, Southgate)* (Lab)
† Cherry, Joanna *(Edinburgh South West)* (SNP)
Courts, Robert *(Witney)* (Con)
† Cunningham, Alex *(Stockton North)* (Lab)
† Dines, Miss Sarah *(Derbyshire Dales)* (Con)
† Everitt, Ben *(Milton Keynes North)* (Con)
MacAskill, Kenny *(East Lothian)* (SNP)
† McGinn, Conor *(St Helens North)* (Lab)
Mak, Alan *(Havant)* (Con)
† Marson, Julie *(Hertford and Stortford)* (Con)
† Owatemi, Taiwo *(Coventry North West)* (Lab)
† Philp, Chris *(Parliamentary Under-Secretary of State for the Home Department)*
† Pursglove, Tom *(Corby)* (Con)
† Trott, Laura *(Sevenoaks)* (Con)

Kevin Maddison, John-Paul Flaherty, *Committee Clerks*

† attended the Committee

Public Bill Committee

Tuesday 7 July 2020

(Afternoon)

[Steve McCabe *in the Chair*]

Counter-Terrorism and Sentencing Bill

2 pm

The Chair: Good afternoon. I remind Members to switch electronic devices to silent, that we are not allowed tea or coffee in the Committee room, and that we are asked to respect the social distancing guidelines. *Hansard* would really appreciate it if Members could send electronic copies of their speaking notes to hansardnotes@parliament.uk. I think that is all the preliminaries.

I have been advised that the intention is to sit into the evening, possibly until around 7 pm. If we do that, I propose suspending the Committee at around 4.30 pm for about half an hour. Obviously, the progress we make and the speed at which we move is in the hands of Committee members.

Clause 47

Persons vulnerable to being drawn into terrorism: timing of independent review

Conor McGinn (St Helens North) (Lab): I beg to move amendment 62, in clause 47, page 40, line 17, leave out subsection (1) and insert—

"(1) In section 20(9) of the Counter-Terrorism and Border Security Act 2019 (support for persons vulnerable to being drawn into terrorism) for the words from 'within the period' to the end substitute 'by 1 July 2021'.".

This amendment would reinstate a statutory deadline for the independent review of the Prevent strategy, which will have to report by 1 July 2021.

It is a pleasure to serve under your chairmanship, Mr McCabe. I know that, over your distinguished years in this House, you have taken a keen interest in home affairs, so it is particularly appropriate for you to chair this session.

I said on Second Reading that, as well as what in the Bill, we are concerned about what it does not contain. The Government have missed a real opportunity to expound upon their wider strategy for tackling extremism, radicalisation and terrorism. This is most acutely felt in the proposal, in effect, to remove the statutory deadline for a review of the Prevent strategy that was announced some 19 months ago. We know that Prevent has been a crucial part of this country's counter-terrorism strategy. In giving evidence to the Committee, Assistant Chief Constable Tim Jacques said:

"Prevent is a critically important part of our role; it is absolutely vital. It is controversial, and has been controversial, but we engage in it, we operate, and we protect the public through Prevent every day."—[*Official Report, Counter-Terrorism and Sentencing Public Bill Committee,* 25 June 2020; c. 25-26, Q66.]

I find myself in full agreement with all that, because it is a vital tool and also, as the ACC acknowledged, one that has an element of controversy, or certainly dispute, around it.

It is hugely disappointing—not, I must add, solely to Opposition Members, but to civic society and, crucially, to those dedicated individuals who deliver the policy on the frontline—to now see a real lack of purpose and clarity regarding the programme's direction under this Government. The independent review was legally bound to report to the House by 12 August this year, but it is obvious that this deadline is going to be missed, resulting in a further lack of clarity and, sadly, I suspect, a further question mark around the credibility of the programme itself. To make matters worse, the Bill now actively seeks to remove any deadline at all.

The independent review was announced last January—19 months ago—following a long-running campaign by Opposition Members and civic society, but it has since been delayed and postponed. We believed then, and we believe now, that a wide-ranging, robust review is the right approach. By now, that review should have been finished and reported to Ministers. In fact, that should have happened two months ago; if anything, the Minister should now be preparing to come before the House to give the Government's response to it.

Frankly, it begs a question about competency at the Home Office that things have been allowed to get to the present stage. We would of course have been willing to accept mitigations that might have been needed because of the impact of the covid-19 pandemic on tight deadlines. However, we have already had dithering and false starts over the period of the review. The fact that the Government are now seeking to remove the statutory deadline, and leaving little indication of when we are to expect completion, leaves the explanations that we have had to date from them with little or no validity.

The Government have said that they would like the report to be completed by next summer; in that case, why not accept my amendment and put that on the face of the Bill? I do not think that I am being unreasonable in saying that we are allowing the Government a year from now—19 months into the process already—by which time it should have reported. We are being constructive in granting another year, and I do not think that it is reasonable for the Government to respond, "Well, you'll just have to take our word for it." I am afraid that we have not been able to rely on the Government to meet previous deadlines. The amendment would reinstate the statutory deadline for an independent review of Prevent by 1 July.

As I stressed on Second Reading, the introduction of the Bill before the Prevent review under the 2019 Act has even reported makes it clear what a quantity of time has been wasted. Lord Carlile was initially appointed to lead the review, but he stood down. That is important. I have huge respect for him. I have spoken to him in preparing for the Bill Committee and he has an exceptionally valuable contribution to make to the debate. Lord Carlile's having to stand down from the review was nothing to do with his integrity or ability; it was to do with the appointment process. It is important that the Opposition say that and make it clear. It was unfortunate and a pity; it was also avoidable. I hope that the Government have learned lessons from that about putting robust mechanisms in place for the appointment of independent

reviewers of something that is as controversial and critical as Prevent. I felt that it was important to say that we thank Lord Carlile for the work that he did. We also thank Lord Anderson and the current Independent Reviewer of Terrorism Legislation, Jonathan Hall, for the work that they do.

It is not beyond the bounds of reason, but the Minister cannot see that the amendment is constructive. It it would simply put into the Bill something that he says the Government would like to do, which is to report by next summer. We need some clarity about it. We need to end the continuing speculation about Prevent, which threatens to undermine the effectiveness and credibility of the programme. We need some coherence and surety about its centrality to the Government's counter-terrorism strategy. The best way to get that is for the Government to commit to completing the review, not a month or even six months from now, but a year from now. That is eminently doable and reasonable.

The Parliamentary Under-Secretary of State for the Home Department (Chris Philp): It is a pleasure once again to serve under your chairmanship, Mr McCabe. I agree entirely with the points that the shadow Minister made about the importance of the Prevent review. It is a critical assessment, which the Government welcome, and we look forward to receiving it. As the hon. Member for St Helens North said, the original deadline, set out in previous legislation, was August this year. To state the obvious, that deadline will be missed. The two reasons for that are, first, the coronavirus epidemic, and, secondly, the resignation of Lord Carlile, which the hon. Gentleman mentioned.

Lord Carlile was appointed last summer, so he would have had a year to do his job, but unfortunately he stepped down in December owing to legal challenges about the manner of his appointment. I am able to confirm that a full and open competition is being run for a replacement. The closing date for applications was 22 June—a couple of weeks ago—and the applications will be assessed by an independent panel. I hope that gives the shadow Minister the assurance he sought on questions of process.

Given that the process of appointing Lord Carlile's successor has not yet concluded because the application deadline was only a couple of weeks ago, completing the review will be challenging, but we want it to be done by the summer of next year, as the shadow Minister says. We would like to see it completed by August 2021, and that is the objective that the new chairman or chairwoman will be given. However, to put the deadline in primary legislation risks repeating the mistakes that we made previously: a deadline was set out in the statute, and for reasons that were not foreseeable at the time—first the resignation of Lord Carlile, and secondly, the coronavirus epidemic—it became impossible to meet that deadline. If unforeseeable circumstances arise again and something unexpected happens that causes another delay, we do not want to fall foul of a statutory deadline that requires primary legislation to correct.

The obligation to complete the review remains in statute. It is a statutory obligation that must be fulfilled, and that remains, but putting a deadline on it as we did before risks our falling into the same trap twice. I hope that the shadow Minister will accept the clear statement of intention to get this done by August next year. The applications were taken in an open process, and they will be assessed by an independent panel, so the process issues will not re-arise. Our commitment is absolute. On the obligation to put this in statute, the deadline could be problematic if something unforeseen happens again.

Conor McGinn: Unusually in our discussions, I cannot accept the Minister's explanation. I do not think an explanation has been given for the delay between Lord Carlile's standing down and the beginning of the recruitment process for a new independent chair, which could have predated the coronavirus pandemic. Given one would expect that some preparatory work was done in the period that Lord Carlile was in post, which would inform the new chair's review, any suggestion that it might not be completed by next summer is hugely concerning.

The fundamental point is that we have been reasonable about it. We have accepted some of what the Government have said about wanting to do this properly, wanting to ensure it is fully independent, and wanting to respect the ongoing recruitment process, but as for giving it from now until 1 July next year to ensure it reports before Parliament goes into summer recess, to give surety and clarity to the wider public, to civic society who take an interest in such matters, and fundamentally to the people we charge with carrying out Prevent and implementing its strategies on the ground, I do not think they should have to wait any longer than is necessary. So I am afraid that, despite what the Minister says, I feel obliged to press the amendment to a vote.

Question put, That the amendment be made.

The Committee divided: Ayes 5, Noes 8.

Division No. 2]

AYES

Charalambous, Bambos	McGinn, Conor
Cherry, Joanna	
Cunningham, Alex	Owatemi, Taiwo

NOES

Bacon, Gareth	Marson, Julie
Butler, Rob	Philp, Chris
Dines, Miss Sarah	Pursglove, Tom
Everitt, Ben	Trott, Laura

Question accordingly negatived.

2.15 pm

Clause 47 ordered to stand part of the Bill.

Clause 48

CONSEQUENTIAL AND RELATED AMENDMENTS

Question proposed, That the clause stand part of the Bill.

Chris Philp: We now come to a series of relatively technical parts of the Bill and various technical Government amendments. I will go over these as quickly as I decently and reasonably can.

Clause 48 introduces schedule 13, which contains consequential and related amendments to bring the Bill's provisions into effect. It will enable the Bill to

[Chris Philp]

function as intended across the legislative frameworks in the United Kingdom, as well as introducing several additional required measures related to the Terrorist Offenders (Restrictions of Early Release) Act 2020 provisions we have discussed already.

Question put and agreed to.

Clause 48 accordingly ordered to stand part of the Bill.

Schedule 13

CONSEQUENTIAL AND RELATED AMENDMENTS

Chris Philp: I beg to move amendment 10, in schedule 13, page 102, line 22, at end insert—

"Criminal Justice Act 1982 (c. 48)

6A In section 32 of the Criminal Justice Act 1982 (early release of prisoners to make the best use of the places available for detention, subject to certain exceptions)—

(a) in subsection (1)(a), after "protection" insert ", a serious terrorism sentence";

(b) in subsection (1A), after paragraph (c) insert—

"(ca) references to a serious terrorism sentence are to a sentence under section 268A or 282A of the Sentencing Code;".

Mental Health Act 1983 (c. 20)

6B In section 37 of the Mental Health Act 1983 (as amended by the Sentencing Act 2020) (power of courts to order hospital admission etc)—

(a) in subsection (1A), for "273, 274" substitute "268A, 273, 274, 282A";

(b) in subsection (1B), after paragraph (a) insert—

"(aa) a sentence falls to be imposed under section 268A or 282A of that Code if it is required by section 268B(2) or 282B(2) of that Code and the court is not of the opinion there mentioned;"."

This amendment excludes an offender serving a serious terrorism sentence from the possibility of early release under the Criminal Justice Act 1982 and provides that a requirement to impose a serious terrorism sentence does not prevent a court from ordering the offender's detention in hospital in cases where the offender suffers from a mental disorder.

The Chair: With this it will be convenient to discuss Government amendments 11 to 13.

Chris Philp: Amendment 10 amends section 32 of the Criminal Justice Act 1982 and it is to exclude the serious terrorism sentence in England and Wales from the power of the Secretary of State to make an order to release certain prisoners, as may be necessary in emergency circumstances. Amendment 11 amends section 264 of the Criminal Justice Act 2003, so that a serious terrorism sentence for those aged between 18 and 20, which is a sentence to detention, shall be for the purpose of the section considered as a sentence of imprisonment. These are all consequential to clauses that we have debated previously.

Amendment 12 is in several parts, but essentially it amends section 15 of the sentencing code, which provides for committal of dangerous offenders to the Crown court so the serious terrorism sentence is included and the court has power to commit. The purpose of the second part of the amendment is to ensure that the principal guidelines duty, which requires the court to consider any relevant guidelines that apply under section 59 of the sentencing code, is amended to include a reference at subsection (2) to the serious terrorism sentence, clarifying that the duty is subject to the provisions of the serious terrorism sentence that we debated a few days ago. The purpose of the third part of the amendment is to amend section 120 of the sentencing code, which provides the Crown court with the power to fine an offender instead of, or in addition to, any other sentence in disposal.

Amendment 13 inserts a reference to the serious terrorism sentence into section 262(3) of the sentencing code, referring the court to section 399 of that code.

As you will have gathered, Mr McCabe, these are technical or consequential amendments to various measures we debated earlier in the Committee's proceedings.

Amendment 10 agreed to.

Amendments made: 11, in schedule 13, page 103, line 16, at end insert—

"(9) In section 264(7) (as amended by the Sentencing Act 2020) (application of provisions about consecutive sentences of imprisonment to sentences of detention), for "or 266" substitute ", 266 or 268A"."

This amendment ensures that the provisions in section 264 of the Criminal Justice Act 2003 (dealing with treatment of consecutive sentences) will apply in relation to serious terrorism sentences including such sentences of detention in a young offender institution.

Amendment 12, in schedule 13, page 103, line 23, at end insert—

"(1A) In section 15 (committal for sentence of dangerous adult offenders)—

(a) after subsection (1) insert—

(1A) This section also applies where—

(a) on the summary trial of an offence specified in Schedule 17A triable either way a person is convicted of the offence, and

(b) the court is of the opinion that the circumstances are such that a serious terrorism sentence (see section 268A or 282A) may be required to be imposed.";

(b) in subsection (6), for "a specified offence" substitute "an offence".

(1B) In section 59(2) (provisions to which duty to follow sentencing guidelines is subject), after paragraph (g) insert—

"(ga) sections 268B and 282B (requirement to impose serious terrorism sentence);".

(1C) In section 61 (sentencing guidelines: extended sentences and life sentences)—

(a) in the heading, after "extended sentences" insert ", serious terrorism sentences";

(b) after subsection (2) insert—

(2A) Subsection (2B) applies where a court is required to impose a serious terrorism sentence for an offence.

(2B) In determining the appropriate custodial term for the purposes of section 268C(2)(b) or 282C(2)(b) (serious terrorism sentences: appropriate custodial term exceeding 14-year minimum), section 60 applies to the court as it applies to a court in determining the sentence for an offence."

(1D) In section 120(2)(a) (exceptions to the general power to fine offender convicted on indictment), after sub-paragraph (ii) (but before the final "or") insert—

(iia) paragraph (ba) (serious terrorism sentences),"."

This amendment makes amendments to certain provisions in the Sentencing Code, which are consequential on the introduction of the new serious terrorism sentence.

Amendment 13, in schedule 13, page 104, line 10, at end insert—

"(4A) In section 262(3) (circumstances in which detention in young offender institution required), after "mentioned in" insert "—

(a) section 399(ba) (serious terrorism sentences);

(b) ".".—*(Chris Philp.)*

This amendment makes an amendment to section 262 of the Sentencing Code consequential on the introduction of the new serious terrorism sentence.

Chris Philp: I beg to move amendment 14, in schedule 13, page 104, line 27, leave out paragraph (a).

This amendment removes an unnecessary consequential amendment.

The Chair: With this it will be convenient to discuss Government amendment 15.

Chris Philp: The purpose of the amendments is to remove unnecessary consequential amendments, which included a reference to a serious terrorism sentence in sections 273 and 274 of the sentencing code, which was advanced when the Bill was presented to Parliament. Paragraph (a) is removed to ensure legal clarity and the effect is to remove these amendments from the Bill.

Amendment 14 agreed to.

Amendments made: 15, schedule 13, page 105, line 6, leave out paragraph (a).

This amendment removes an unnecessary consequential amendment.

Amendment 16, schedule 13, page 106, line 11, at end insert—

"Rehabilitation of Offenders Act 1974 (c. 53)

10A In section 5 of the Rehabilitation of Offenders Act 1974 as it forms part of the law of England and Wales (as amended by the Sentencing Act 2020) (rehabilitation periods for particular sentences)—

(a) in subsection (1)(d), after 'or section 250' insert 'or 252A';

(b) in subsection (8)(f), before 'of the Sentencing Code' insert 'or 252A'."

This amendment and amendments 17, 18, 20 to 22, 24 and 27 to 29 add consequential amendments to ensure that young offenders given the new type of sentence introduced by clause 22(2) are treated in the same way, for various statutory purposes, as those serving an ordinary sentence of youth detention.

Amendment 17, schedule 13page 106, line 23, at end insert—

"Criminal Justice and Public Order Act 1994 (c. 33)

12A In section 25(5) of the Criminal Justice and Public Order Act 1994 (as amended by the Sentencing Act 2020) (restriction of bail for certain offenders: interpretation), in paragraph (a) of the definition of 'the relevant enactments', after '250' insert 'or 252A'."

See the explanatory statement for amendment 16.

Amendment 18, schedule 13, page 106, line 25, at beginning insert—

"(1) The Crime and Disorder Act 1998 is amended as follows.

(2) In section 38(4) (as amended by the Sentencing Act 2020) (youth justice services to be provided by local authorities), in paragraph (i), after '250,' insert '252A,'.

(3) In section 41(5)(i) (as amended by the Sentencing Act 2020) (accommodation that may be provided under agreement with the Youth Justice Board), in sub-paragraph (ii), after '250,' insert '252A,'."

See the explanatory statement for amendment 16.

Amendment 19, schedule 13, page 106, line 25, leave out "of the Crime and Disorder Act 1998".

This amendment is consequential on amendment 18.

Amendment 20, schedule 13, page 106, line 32, at end insert—

"Criminal Justice and Court Services Act 2000 (c. 43)

13A (1) The Criminal Justice and Court Services Act 2000 is amended as follows.

(2) In section 62(5) (as amended by the Sentencing Act 2020) (sentences in relation to which electronic monitoring conditions may be imposed on release), in paragraph (d), after '250' insert 'or 252A'.

(3) In section 62A(4) (as amended by the Sentencing Act 2020) (exceptions from power to require imposition of electronic monitoring condition), in paragraph (b), after '250' insert 'or 252A'.

(4) In section 64(5) (as amended by the Sentencing Act 2020) (sentences in relation to which drug testing requirement may be imposed on release), in paragraph (d), after '250' insert 'or 252A'.

(5) In section 64A(8) (as amended by the Sentencing Act 2020) (power to require attendance at drug testing appointment: interpretation), in paragraph (c) of the definition of 'sentence of imprisonment', after '250' insert 'or 252A'."

See the explanatory statement for amendment 16.

Amendment 21, schedule 13, page 106, line 36, at end insert—

"Sexual Offences Act 2003 (c. 42)

14A In section 131 of the Sexual Offences Act 2003 (as amended by the Sentencing Act 2020) (application of notification requirements and orders to young offenders), in paragraph (h), after '250' insert ', 252A'."

See the explanatory statement for amendment 16.

Amendment 22, schedule 13, page 107, line 21, at end insert—

"(6A) In section 263(4) (as amended by the Sentencing Act 2020) (sentences of detention to which provision about concurrent terms applies), after '250,' insert '252A,'."

See the explanatory statement for amendment 16.

Amendment 23, schedule 13, page 107, line 22, leave out from "264" to "after" on line 23 and insert "(as amended by the Sentencing Act 2020) (consecutive sentences)—

(a) in subsection (6A)(a),".

This amendment is consequential on amendment 24.

Amendment 24, schedule 13, page 107, line 24, at end insert—

"(b) in subsection (7), after '250,' insert '252A,'.

(8) In section 327(3) (as amended by the Sentencing Act 2020) (sentences attracting risk assessment measures for sexual or violent offenders), in paragraph (b)(v), after '250' insert 'or 252A'.

Domestic Violence, Crime and Victims Act 2004 (c. 28)

15A In section 45(1) of the Domestic Violence, Crime and Victims Act 2004 (as amended by the Sentencing Act 2020) (victims' representations and information: interpretation), in the definition of 'relevant sentence', after '250' insert 'or 252A'."

See the explanatory statement for amendment 16.

Amendment 25, schedule 13, page 107, line 26, at beginning insert—

"(1) The Armed Forces Act 2006 is amended as follows."

This amendment is consequential on amendment 27.

Amendment 26, schedule 13, page 107, line 26, leave out "of the Armed Forces Act 2006".

This amendment is consequential on amendment 27.

Amendment 27, schedule 13, page 107, line 29, at end insert—

"(3) In section 213(3A) (as substituted by the Sentencing Act 2020) (application of section 253 of the Sentencing Code), after '250' insert 'or 252A'.

(4) In section 227(3) (as amended by the Sentencing Act 2020) (minimum sentence for certain firearms offences), after '250' insert 'or 252A'."

See the explanatory statement for amendment 16.

[Chris Philp]

Amendment 28, schedule 13, page 107, line 36, at end insert—

"Counter-Terrorism Act 2008 (c. 28)

17A In section 45(1)(a) of the Counter-Terrorism Act 2008 (sentences attracting notification requirements), after paragraph (via) (but before the final 'or') insert—

'(vib) detention under section 252A of the Sentencing Code (special sentence for terrorist offenders of particular concern aged under 18),'."

See the explanatory statement for amendment 16.

Amendment 29, schedule 13, page 110, line 36, at end insert—

"Children (Secure Accommodation) Regulations 1991 (S.I. 1991/1505)

18A In regulation 5(1) of the Children (Secure Accommodation) Regulations 1991 (as amended by the Sentencing Act 2020) (custodial sentences disapplying section 25 of the Children Act 1989), before 'or 259' insert ', 252A'.

Youth Justice Board for England and Wales Order 2000 (S.I. 2000/1160)

18B In article 4(2) of the Youth Justice Board for England and Wales Order 2000 (as amended by the Sentencing Act 2020) (functions exercisable by the Youth Justice Board concurrently with the Secretary of State)—

(a) in paragraph (a), before 'or 259' insert ', 252A';

(b) in paragraph (m)(ii), before 'or 259' insert ', 252A'.

Child Benefit (General) Regulations 2006 (S.I. 2006/223)

18C In regulation 1(3) of the Child Benefit (General) Regulations 2006 (as amended by the Sentencing Act 2020) (interpretation of Regulations), in paragraph (a) of the definition of 'penalty', after '250,' insert '252A,'.

Employment and Support Allowance Regulations 2008 (S.I. 2008/794)

18D In regulation 160(5) of the Employment and Support Allowance Regulations 2008 (as amended by the Sentencing Act 2020) (exceptions from disqualification for imprisonment: interpretation), in paragraph (c), after '250' insert ', 252A'.

Employment and Support Allowance Regulations 2013 (S.I. 2013/379)

18E In regulation 96(6) of the Employment and Support Allowance Regulations 2013 (as amended by the Sentencing Act 2020) (exceptions from disqualification for imprisonment: interpretation), in paragraph (c), after '250' insert ', 252A'.

Children (Secure Accommodation) (Wales) Regulations 2015 (S.I. 2015/1988 (W.298))

18F In regulation 14(a) of the Children (Secure Accommodation) (Wales) Regulations 2015 (as amended by the Sentencing Act 2020) (sentences of detention disapplying section 119 of the Social Services and Well-being (Wales) Act 2014), after '250' insert ', 252A'."

See the explanatory statement for amendment 16.

Amendment 47, schedule 13, page 110, line 36, at end insert—

"PART 4A

AMENDMENTS IN RELATION TO SENTENCING UNDER SERVICE LAW

Rehabilitation of Offenders Act 1974 (c. 53)

18G (1) The Rehabilitation of Offenders Act 1974 is amended as follows.

(2) In section 5 as it forms part of the law of England and Wales (rehabilitation periods for particular sentences)—

(a) in subsection (1)(d), after 'or section 209' insert 'or 224B';

(b) in subsection (8), in paragraph (f) of the definition of 'custodial sentence', after '209' insert 'or 224B'.

Criminal Justice Act 1982 (c. 48)

18H In section 32(1A) of the Criminal Justice Act 1982 (sentences excluded from early release of prisoners to make the best use of the places available for detention), in paragraph (ca) (inserted by Part 2 of this Schedule), at the end insert ', including a sentence passed as a result of section 219ZA of the Armed Forces Act 2006'.

Crime and Disorder Act 1998 (c. 37)

18I (1) The Crime and Disorder Act 1998 is amended as follows.

(2) In section 38(4) (youth justice services to be provided by local authorities), in paragraph (i), for 'or 222' substitute ', 222 or 224B'.

(3) In section 41(5)(i) (accommodation that may be provided under agreement with the Youth Justice Board), in sub-paragraph (ii), for 'or 222' substitute ', 222 or 224B'.

Criminal Justice and Court Services Act 2000 (c. 43)

18J (1) The Criminal Justice and Court Services Act 2000 is amended as follows.

(2) In section 62(5) (sentences in relation to which electronic monitoring conditions may be imposed on release), in paragraph (g), for 'or 218' substitute ', 218 or 224B'.

(3) In section 62A(4) (exceptions from power to require imposition of electronic monitoring condition), in paragraph (c), after '209' insert 'or 224B'.

(4) In section 64(5) (sentences in relation to which drug testing requirement may be imposed on release), in paragraph (g), for 'or 218' substitute ', 218 or 224B'.

(5) In section 64A(8) (power to require attendance at drug testing appointment: interpretation), in paragraph (f) of the definition of 'sentence of imprisonment', after '209' insert 'or 224B'.

Sexual Offences Act 2003 (c. 42)

18K In section 131 of the Sexual Offences Act 2003 (application of notification requirements and orders to young offenders), in paragraph (h), for 'or 218' substitute ', 218 or 224B'.

Criminal Justice Act 2003 (c. 44)

18L In section 237(1B) of the Criminal Justice Act 2003 (as amended by the Sentencing Act 2020) (service sentences to be treated as equivalent sentences in England and Wales) —

(a) omit the 'and' before paragraph (e);

(b) at the end of that paragraph insert—

'(f) references to a sentence of detention under section 252A of the Sentencing Code include a sentence of detention under section 224B of that Act;

(g) references to a sentence under section 268A or 282A of the Sentencing Code include such a sentence passed as a result of section 219ZA of that Act.'

Armed Forces Act 2006 (c. 52)

18M (1) The Armed Forces Act 2006 is amended as follows.

(2) In section 188 (power to pass consecutive custodial sentences), in subsections (2)(b) and (4)(b), after '209' insert 'or 224B'.

(3) In section 209 (sentence of detention for offender aged under 18), after subsection (7) insert—

'(8) This section does not apply if the Court Martial is required to impose a sentence of detention under section 224B.'

(4) In section 210 (place and conditions of youth detention), after '209', in each place it occurs (including in the heading), insert 'or 224B'.

(5) In section 211(4) (cases in which detention and training order not required), after '221A' insert ', 224B'.

(6) In section 213(3A) (as substituted by the Sentencing Act 2020 and as amended by Part 4 of this Schedule) (application of section 253 of the Sentencing Code), after '209' insert 'or 224B'.

(7) In section 219A(1) (availability of extended sentence for certain violent, sexual or terrorism offences), after paragraph (d) (but before the final 'and') insert—

'(da) the court is not required—

(i) by section 268B(2) of the Sentencing Code (as applied by section 219ZA(4) of this Act) to impose a serious terrorism sentence of detention in a young offender institution for the offence or for an offence associated with it;

(ii) by section 282B(2) of the Sentencing Code (as applied by section 219ZA(7) of this Act) to impose a serious terrorism sentence of imprisonment for the offence or for an offence associated with it;'.

(8) In section 223 (meaning of 'the required opinion')—

(a) after subsection (1) insert—

'(1A) 'The required opinion' for the purposes of section 219ZA is the opinion that there is a significant risk to members of the public of serious harm occasioned by the commission by the offender of—

(a) further serious terrorism offences or other specified offences; or

(b) further acts or omissions that would be serious terrorism offences or other specified offences if committed in England or Wales.';

(b) in subsection (4) (as amended by the Sentencing Act 2020), after the definition of 'serious harm' insert—

'"serious terrorism offence" has the meaning given by that section;'.

(9) In section 224A (special custodial sentence for offenders of particular concern)—

(a) in subsection (1) (as amended by the Sentencing Act 2020), in paragraph (d)—

(i) omit the 'or' at the end of sub-paragraph (i);

(ii) after sub-paragraph (ii) insert ', or";

(b) after subsection (3) insert—

'(3A) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of subsection (1A) to have been committed on the last of those days.'

(10) In section 227(3) (as amended by the Sentencing Act 2020) (minimum sentence for certain firearms offences), for the words from ', the reference' to the end substitute '—

(a) the reference to a sentence of detention under section 250 of that Code is to be read as a reference to a sentence of detention under section 209 of this Act, and

(b) the reference to a sentence of detention under section 252A of that Code is to be read as a reference to a sentence of detention under section 224B of this Act.'

(11) In section 238(6) (as inserted by the Sentencing Act 2020) (offences aggravated by terrorist connection)—

(a) omit the 'and' at the end of paragraph (a);

(b) after paragraph (a) insert—

'(aa) the reference in subsection (4)(c) to an offence not specified in Schedule A1 includes a reference to an offence under section 42 as respects which the corresponding offence under the law of England and Wales is not specified in Schedule A1, and';

(c) in paragraph (b), for "(1)" substitute '(5)(b)'.

(12) In section 246 (crediting of time in custody), in subsection (6)(a), after '209' insert 'or 224B'.

(13) In section 256(1)(c) (cases where pre-sentence report to be considered), after '219(1),' insert '219ZA(1)(d),'.

(14) In section 260 (as amended by the Sentencing Act 2020) (discretionary custodial sentences: general restrictions) —

(a) in subsection (1)—

(i) for 'This section applies' substitute 'Subsection (2) applies;

(ii) after paragraph (c) insert—

(b) in subsection (4B), before paragraph (a) insert—

'(za) section 268C(2) or 282C(2) of the Sentencing Code, as applied by section 219ZA of this Act (serious terrorism sentences for offenders aged 18 or over),'.

(15) In section 261 (as amended by the Sentencing Act 2020) (length of discretionary custodial sentences: general), in subsection (1), after paragraph (b) insert—

'(ba) section 268A or 282A of the Sentencing Code as a result of section 219ZA (serious terrorism sentences),'.

(16) In section 262A (as inserted by the Sentencing Act 2020) (application of section 329 of the Sentencing Code)—

(a) after subsection (2) insert—

'(2A) In subsection (4A)—

(a) paragraph (a) has effect as if, for "252A", there were substituted "224B of the Armed Forces Act 2006";

(b) paragraph (b) has effect as if, after "265", there were inserted "passed as a result of section 224A of the Armed Forces Act 2006";

(c) the words after paragraph (b) have effect as if, after "278", there were inserted "passed as a result of section 224A of the Armed Forces Act 2006".';

(b) after subsection (3) insert—

'(3A) Subsection (5A) has effect as if, at the end, there were inserted "passed as a result of section 219ZA(7) of the Armed Forces Act 2006.';

(c) in subsection (4)—

(i) after the paragraph (a) treated as substituted in subsection (7) of section 329 of the Sentencing Code insert—

(ii) after the paragraph (d) treated as substituted in subsection (7) of section 329 of the Sentencing Code insert—

(17) In section 374 (interpretation of Act), in the definition of 'custodial sentence' (as amended by the Sentencing Act 2020), in paragraph (b), for 'or 221A' substitute ', 221A or 224B'.

Counter-Terrorism Act 2008 (c. 28)

18N In paragraph 5(1)(a)(iv) of Schedule 6 to the Counter-Terrorism Act 2008 (service sentences of youth detention attracting notification requirements for terrorist offenders), after '209' insert 'or 224B'.

Sentencing Act 2020

18O (1) The Sentencing Act 2020 is amended as follows.

(2) In section 225 (restriction on consecutive sentences for released prisoners), in subsection (3)(c)(vi), after '209' insert 'or 224B'.

(3) In section 241 (period of detention and training under detention and training order), in subsections (6)(b)(ii) and (7)(c), after '209' insert 'or 224B'.

(4) In section 248(4) (meaning of 'relevant sentence of detention'), in paragraph (c), after '209' insert 'or 224B'.

(5) In Schedule 27 (transitional provision and savings), in paragraph 16(2), for the words from ', the reference' to the end substitute '—

(a) the reference in section 224A(1)(d)(ii) of the Armed Forces Act 2006 to an extended sentence under section 266 or 279 of the Sentencing Code includes a reference to an extended sentence under section 226A of the Criminal Justice Act 2003;

(b) the reference in section 224B(1)(c)(ii) to an extended sentence of detention under section 254 of the Sentencing Code includes a reference to an extended sentence of detention under section 226B of the Criminal Justice Act 2003.'"

This amendment makes amendments to enactments which are consequential on the provisions of Schedule 8 to the Bill (changes to the sentencing regime under service law corresponding to those made to the sentencing regimes in England and Wales, Scotland and Northern Ireland).

Amendment 31, schedule 13, page 116, line 7. at end insert—

"Treatment of Offenders Act (Northern Ireland) 1968 (c. 29 (N.I.))

30A In section 26(2) of the Treatment of Offenders Act (Northern Ireland) 1968 (as amended by Part 8 of this Schedule) (length of custodial sentences to be reduced for periods already spent in custody), after 'Article' insert '13A(6),'.

Rehabilitation of Offenders (Northern Ireland) Order 1978 (S.I. 1978/1908 (N.I. 27))

30B In Article 6 of the Rehabilitation of Offenders (Northern Ireland) Order 1978 (as amended by Part 8 of this Schedule) (rehabilitation periods for particular sentences), in paragraph (9)(b), after 'Article' insert '13A(6) or'.

Mental Health (Northern Ireland) Order 1986 (S.I. 1985/595 (N.I. 4))

30C In Article 44(1A) of the Mental Health (Northern Ireland) Order 1986 (sentences requirement to impose which does not prevent making of hospital or guardianship order), in sub-paragraph (c), after '13' insert ', 13A'.

Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24))

30D (1) The Criminal Justice (Northern Ireland) Order 1996 is amended as follows.

(2) In Article 2(2) (meaning of expressions), in paragraph (b) of the definition of 'custodial sentence', after '13(4)(b)' insert ', 13A(6)'.

(3) In Article 4(1) (power to grant absolute or condition discharge subject to certain sentencing requirements), after '13' insert ', 13A'.

(4) In Article 10(1) (power to make probation order subject to certain sentencing requirements), after '13' insert ', 13A'.

(5) In Article 13(1) (power to make community service order subject to sentencing requirements), after '13' insert ', 13A'.

(6) In Article 15(1) (power to make combined probation and community service order subject to certain sentencing requirements), after '13' insert ', 13A'.

Counter-Terrorism Act 2008 (c. 28)

30E In section 45(3) of the Counter-Terrorism Act 2008 (Northern Irish sentences attracting notification requirements), in paragraph (a), after sub-paragraph (iii) insert—

'(iiia) a serious terrorism sentence under Article 13A(6) of that Order (offenders under 21 convicted of certain serious terrorist or terrorism-related offences),'."

This amendment makes amendments to various enactments which are consequential on the introduction of the new serious terrorism sentence in Northern Ireland by clause 7.

Amendment 32, schedule 13, page 117, line 24, at end insert—

"Treatment of Offenders Act (Northern Ireland) 1968 (c. 29 (N.I.))

31A In section 26(2) of the Treatment of Offenders Act (Northern Ireland) 1968 (length of custodial sentences to be reduced for periods already spent in custody), after '14(5)' insert 'or 15A(5)'.

Rehabilitation of Offenders (Northern Ireland) Order 1978 (S.I. 1978/1908 (N.I. 27))

31B In Article 6 of the Rehabilitation of Offenders (Northern Ireland) Order 1978 (rehabilitation periods for particular sentences), in paragraph (9)(b), after 'centre' insert ', a sentence of detention under Article 15A(5) of the Criminal Justice (Northern Ireland) Order 2008'.

Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24))

31C (1) The Criminal Justice (Northern Ireland) Order 1996 is amended as follows.

(2) In Article 2(2) (meaning of expressions), in paragraph (b) of the definition of 'custodial sentence', for 'or 14(5)' substitute ', 14(5) or 15A(5)'.

(3) In Article 4(1) (power to grant absolute or condition discharge subject to certain sentencing requirements), for 'or 14' substitute ', 14 or 15A'.

(4) In Article 10(1) (power to make probation order subject to certain sentencing requirements), for 'or 14' substitute ', 14 or 15A'.

(5) In Article 13(1) (power to make community service order subject to certain sentencing requirements), for 'or 14' substitute ', 14 or 15A'.

(6) In Article 15(1) (power to make combined probation and community service order subject to certain sentencing requirements), for 'or 14' substitute ', 14 or 15A'.

Sexual Offences Act 2003 (c. 42)

31D In section 131 of the Sexual Offences Act 2003 (application of notification requirements and orders to young offenders), after paragraph (l) of that section as it forms part of the law of England and Wales and Scotland, and after paragraph (m) of that section as it forms part of the law of Northern Ireland, insert—

'(n) a sentence of detention under Article 15A(5) of the Criminal Justice (Northern Ireland) Order 2008'.

Counter-Terrorism Act 2008 (c. 28)

31E In section 45(3) of the Counter-Terrorism Act 2008 (Northern Irish sentences attracting notification requirements), in paragraph (a), after sub-paragraph (iv) insert—

'(iva) a sentence under Article 15A(5) of that Order (offenders under 21 convicted of certain terrorist or terrorism-related offences),'."

This amendment adds consequential amendments to ensure that young offenders given the new type of sentence introduced in Northern Ireland by clause 24 are treated in the same way, for various statutory purposes, as those serving an ordinary sentence of youth detention.

Amendment 33, schedule 13, page 119, line 34, at end insert—

"Justice Act (Northern Ireland) 2016 (c. 21 (N.I.))

35 (1) In section 55(2) of the Justice Act (Northern Ireland) 2016 (prisoners who may be removed early from prison if liable to removal from the United Kingdom), for the words from 'serving an' to the end substitute '—

(a) who is serving an extended custodial sentence under Article 14 of the 2008 Order, or

(b) to whom Article 20A of that Order applies.'

(2) In the case of a person—

(a) who has been removed from prison under section 55(2) of the Justice Act (Northern Ireland) 2016 before the amendment made by sub-paragraph (1) comes into force, and

(b) to whom Article 20A of the Criminal Justice (Northern Ireland) Order 2008 applies,

subsection (3) of that section continues to apply to the person despite that amendment, but as if for the words 'has served the requisite custodial period' there were substituted 'becomes entitled to be released in accordance with Article 20A of the 2008 Order'."

This amendment excludes terrorist prisoners subject to the restricted regime for early release in Northern Ireland introduced by clause 30 from early removal from prison for the purpose of removal from the United Kingdom.

Amendment 34, schedule 13, page 119, line 34, at end insert—

"Parole Commissioners' Rules (Northern Ireland) 2009 (S.R. (N.I.) 2009 No. 82)

36 (1) The Parole Commissioners' Rules (Northern Ireland) 2009 are amended as follows.

(2) In rule 2(1) (application of the rules), after 'Articles 18' insert ', 20A'.

(3) In rule 7(2) (persons who may act as representatives of prisoner only with consent of Chief Commissioner), in paragraph (b), for the words from 'sentenced to' to the end substitute 'who —

(i) is on licence having been released under Article 18 or 20A of the 2008 Order, or

(ii) is a person to whom Article 18 or 20A of that Order applies and who is on licence having been released under Article 20 of that Order;'.

(4) In rule 25 (application of rules to recalled life, indeterminate and extended custodial prisoners)—

(a) in the heading after 'custodial' insert 'and terrorist';

(b) in the words before paragraph (a), for 'an indeterminate custodial or extended custodial prisoner's case' substitute 'the case of a prisoner who was released on licence under Article 18 or 20A of the 2008 Order'.

(5) In rule 26 (short custodial terms)—

(a) for paragraph (1) substitute—

'(1) Subject to paragraph (2), where—

(a) the Department of Justice refers to the Commissioners—

(i) the case of an extended custodial prisoner under Article 18 of the 2008 Order, or

(ii) the case of any prisoner under Article 20A of that Order, and

(b) the relevant part of the prisoner's sentence is less than 26 weeks;

these rules shall apply subject to the modifications made by rule 25(a).';

(b) after paragraph (2) insert—

'(3) For the purposes of paragraph (1)(b), the "relevant part of the sentence"—

(a) in the case of an extended custodial prisoner to whom Article 18 of the 2008 Order applies, means one half of the appropriate custodial term of the sentence as defined by Article 14(4) or 14(6) of that Order;

(b) in the case of a prisoner to whom Article 20A of that Order applies, has the meaning given by paragraph (9) of that Article;

and in determining the length of that part any reduction required by section 26(2) of the Treatment of Offenders Act (Northern Ireland) 1968 is to be taken into account.'"—(*Chris Philp*.)

This amendment makes amendments to Parole Commissioners' Rules (Northern Ireland) 2009 which are consequential on the new arrangements for restricted early release of terrorist prisoners provided for in clause 30 of the Bill.

Schedule 13, as amended, agreed to.

Clause 49

POWER TO STATE EFFECT IN SENTENCING ACT 2020 OF COMMENCEMENT OF AMENDMENTS MADE BY THIS ACT

Question proposed, That the clause stand part of the Bill.

Chris Philp: I will do my best to rouse more enthusiasm for clause 49 than its predecessor, schedule 13, managed to provoke in the Committee. I fear it may be an uphill task.

Clause 49 gives the Secretary of State the power to amend the sentencing code to incorporate changes to provisions made by the Bill using the power contained in section 419(1) of the Sentencing Act 2020. It is needed so we can, if required, ensure a consistent approach is taken to the amendment of the code, and the Bill, once enacted.

Question put and agreed to.

Clause 49 accordingly ordered to stand part of the Bill.

Clause 50

POWER TO MAKE FURTHER CONSEQUENTIAL PROVISION

Chris Philp: I beg to move amendment 1, in clause 50, page 41, line 30, at end insert—

"(7) In the Criminal Justice and Court Services Act 2000—

(a) in section 77 (supplementary and consequential provision), at the end insert—

'(3) The provision which may be made under subsection (1) in relation to section 61 of this Act (abolition of sentence of detention in young offender institution etc) also includes provision amending or repealing—

(a) any provision of the Counter-Terrorism and Sentencing Act 2020,

(b) any provision of an enactment that was inserted or amended by, or by regulations made under, the Counter- Terrorism and Sentencing Act 2020';

(b) in section 78(2) (meaning of 'enactment'), after 'in this Part' insert 'other than section 77(3)'."

This enables the power in section 77 of the Criminal Justice and Court Services Act 2000 to make amendments consequential on the abolition by that Act of sentences of detention in young offender institutions to be used to deal with references to such sentences inserted by the provisions of this Bill.

Government amendment 1 enables a power in section 77 of the Criminal Justice and Court Services Act 2000. This power is to make any amendment that arises as a consequence of sentences of detention in a young offender institution being abolished by the Act. Should the DYOI be abolished, the power will be used to deal with references to DYOI sentences inserted by the provisions of the Bill.

Alex Cunningham (Stockton North) (Lab): The amendment in the name of the Minister seeks to amend clause 50 to make reference to sections 77 and 61 of the Criminal Justice and Court Services Act 2000. Despite his introduction, it is unclear what the Minister's intentions really are. As members of the Committee will be aware, sections 59 and 61 of the 2000 Act allow for the abolition of the special sentence for the detention of a young adult in a young offender institution. The explanatory note to the 2000 Act—passed under a Labour Government, mind you—sets out the policy reason behind that:

"it is now widely accepted that 18, and not 21, is the age of"

maturity, and

"there is no logic in having a separate sentence for those aged between 18 and 20 years old, and those aged 21 and over."

That almost kills my arguments of the last few days—but it does not, because, despite the provisions being in place for two decades, the 2000 Act to which the amendment refers is yet to be implemented. I, for one, am quite happy about that, but it prompts the question of why the Government's amendment draws on a 20-year-old piece of outdated legislation. What is the Minister's intention?

In the 20 years since the 2000 Act was passed, a considerable amount of work has been done on the age of maturity, and it is now widely accepted, as I have said on numerous occasions, that 25 is considered by many to be a more suitable age of maturity. As such, it would be deeply concerning if the Government had any ambition at all to enact the Criminal Justice and Court Services Act. The impact of doing so would be that offenders as young as 18 would be held in prison alongside adults potentially double their age or more. That could be hugely damaging, not only to the individuals but to the hope of rehabilitation too.

The Minister has provided the Committee with a guarantee that he has no intention of housing young offenders caught up in the provisions in the Bill alongside adult prisoners. Many may see this as a technical matter, but there are some very real dangers, as I have alluded to, and I am sure the Committee would welcome a further reassurance from the Minister that the Government

[Alex Cunningham]

have no intention whatsoever of using the Criminal Justice and Court Services Act to imprison young people alongside adults.s

Chris Philp: I understand this to be a technical amendment to ensure legislative consistency between the Bill and the Criminal Justice and Court Services Act. I am not aware of any plans to change the current detention arrangements. I do not believe that the reference is designed to pave the way to do that. It is just a technical amendment to ensure legislative consistency.

Alex Cunningham: Will the Minister be specific? He says he does not think that there is any intention, but it could lead to young people being imprisoned alongside adults. Will he give that assurance to the Committee again? Not understanding or not being aware of something is not good enough.

Chris Philp: I am not the Prisons Minister, I am the Courts Minister, but I am not aware of any plans at all in the Ministry of Justice to change the current detention arrangements. None have been brought to my attention, either generally or in connection with the Bill. I can go and double-check with the Prisons Minister, and I will write to the hon. Gentleman, if he would like me to do that.

Amendment 1 agreed to.

Question proposed, That the clause, as amended, stand part of the Bill.

Chris Philp: Clause 50 gives the Secretary of State the power to make consequential, transitional, transitory or saving provisions by regulation, in relation to provisions in the Bill, by secondary instrument.

Question put and agreed to.

Clause 50, as amended, accordingly ordered to stand part of the Bill.

Clause 51

EXTENT

Question proposed, That the clause stand part of the Bill.

Chris Philp: Clause 51 explains the territorial extent of the provisions in the Bill, which we debated quite extensively, because many of the clauses applied separately to England and Wales, Scotland and Northern Ireland, owing to the different legal systems in the three jurisdictions. The Bill contains provisions that extend to all of those areas. Provisions that change existing legislation are applicable only to the territories to which the existing legislation extends. Certain provisions can also, in some circumstances, be extended to the Channel Islands or the Isle of Man, as per the powers specified in this measure.

Question put and agreed to.

Clause 51 accordingly ordered to stand part of the Bill.

Clause 52

COMMENCEMENT

Chris Philp: I beg to move amendment 2, in clause 52, page 42, line 8, at end insert—

", except as mentioned in subsection (3)(zf)".

This amendment is consequential on amendment 8.

The Chair: With this it will be convenient to discuss the following: Government amendments 4 to 6.

Government amendment 8.

Chris Philp: These are more technical amendments. Amendment 2 allows the changes being made to the Sentencing Act by clause 21 and schedule 6 of the Bill to apply to the service courts, which we debated earlier. Amendment 8 also allows changes made by the Bill to the Sentencing Act, which come into force on Royal Assent or two months later, to apply to the service courts. Amendment 4 allows changes being made to the Sentencing Act by clause 1 and schedule 1 of the Bill, which apply to the service courts as well as civilian courts, to be brought into force separately if necessary for the service courts. Amendment 5 should be read in conjunction with amendment 6 to allow changes being made to the Sentencing Act by clauses 11 and 15 to 18 of the Bill, which apply to the service courts as well as civilian courts, to be brought into force separately for the service courts.

2.30 pm

Amendment 2 agreed to.

Chris Philp: I beg to move amendment 3, in clause 52, page 42, line 23, leave out sub-paragraph (vii) and insert—

"(vii) Parts 8 and 9 of that Schedule."

This amendment and amendment 7 correct a drafting error and provide that Part 8 of Schedule 13, which makes amendments consequential on clause 24 of the Bill, comes into force at the same time as clause 24.

The Chair: With this it will be convenient to discuss Government amendment 7.

Chris Philp: Amendment 3 is designed to correct drafting relating to the early commencement of the Bill's provisions in clause 52, and amendment 7 is designed to correct a drafting error at clause 52 of the Bill, again concerned with commencement provisions.

Amendment 3 agreed to.

Amendments made: 4, in clause 52, page 42, line 26, at end insert

", except as mentioned in subsection (3)(za)"

This amendment is consequential on amendment 8.

5, in clause 52, page 42, line 30, leave out "18" and insert "10"

This amendment is consequential on amendment 8.

6, in clause 52, page 42, line 30, at end insert—

"(ea) section 11, except as mentioned in subsection (3)(zb);

(eb) sections 12 to 14;

(ec) section 15, except as mentioned in subsection (3)(zc);

(ed) section 16, except as mentioned in subsection (3)(zd);

(ee) sections 17 and 18, except as mentioned in subsection (3)(ze);"

This amendment is consequential on amendment 8.

7, in clause 52, page 42, line 46, leave out sub-paragraph (iii) and insert—

"(iii) Part 7 of that Schedule."

See the explanatory statement for amendment 3.

8, in clause 52, page 43, line 2, at end insert—

"(za) section 1 (and Schedule 1), as they have effect for the purposes of section 69 of the Sentencing Code as applied by section 238 of the Armed Forces Act 2006 (as amended by the Sentencing Act 2020);

(zb) section 11, as it has effect for the purposes of section 323 of the Sentencing Code as applied by section 261A of the Armed Forces Act 2006 (as inserted by the Sentencing Act 2020);

(zc) section 15, as it has effect for the purposes of Schedule 18 to the Sentencing Code as applied by sections 219A and 221A of the Armed Forces Act 2006 (as amended by the Sentencing Act 2020);

(zd) section 16, as it has effect for the purposes of section 256 of the Sentencing Code as applied by section 221A of the Armed Forces Act 2006 (as amended by the Sentencing Act 2020);

(ze) sections 17 and 18, as they have effect for the purposes of sections 268 and 281 of the Sentencing Code as applied by section 219A of the Armed Forces Act 2006 (as amended by the Sentencing Act 2020);

(zf) section 21 (and Schedule 6), as they have effect for the purposes of Schedule 13 to the Sentencing Code as applied by section 224A of the Armed Forces Act 2006 (as amended by the Sentencing Act 2020);"

This amendment provides for certain of the sentencing provisions of the Bill to be brought into force by regulations so far as they apply for the purposes of service law.

9, in clause 52, page 43, line 4, at end insert—

"(c) Part 4A of Schedule 13 (and section 48 to the extent that it relates to that Part)."—*(Chris Philp.)*

This amendment provides for the new Part 4A of Schedule 13 (see amendment 47) to come into force by regulations made by the Secretary of State (reflecting the position for the provisions to which the

Clause 52, as amended, accordingly ordered to stand part of the Bill.

Clause 53

SHORT TITLE

Question proposed, That the clause stand part of the Bill.

Chris Philp: Clause 53 gives the shortened title for the Bill when it is cited, which will be the Counter-Terrorism and Sentencing Act 2020.

Question put and agreed to.

Clause 53 accordingly ordered to stand part of the Bill.

New Clause 1

REVIEW OF DERADICALIZATION PROGRAMMES IN PRISONS

"(1) Within one year of this Act being passed, the Secretary of State must publish and lay before Parliament a comprehensive review of the impact of the provisions of this Act on the effectiveness and availability of deradicalization programmes in prisons.

(2) The review must include an assessment of the following matters—

(a) the effectiveness of existing programmes at reducing radicalization and terrorist offending;

(b) how individuals are assessed for their suitability for a programme;

(c) the number of individuals assessed as requiring a place on a programme;

(d) the number of individuals assessed as not requiring a place on a programme;

(e) the average length of time individuals assessed as requiring a place on a programme have to wait to start a programme; and

(f) whether there is sufficient capacity and resource to meet demand for places on deradicalization programmes in prisons.

(3) The review must consider how the provisions of this Act have affected the matters listed in subsection (2)."—*(Alex Cunningham.)*

This new clause requires a review of the impact of the Act on deradicalization programmes in prisons.

Brought up, and read the First time.

Alex Cunningham: I beg to move, That the Clause be read a Second time.

We have talked in great detail about the many provisions in the Bill, but we have also talked about the many missing provisions, best evidenced by my hon. Friend the Member for St Helens North, who discussed Prevent and the need for an end date for the report on its effectiveness to come into place.

One key area where we could do better in is the deradicalisation programmes in prison. While the minimum sentencing for terror offences has been increased, there is a suggestion that we could simply be delaying inevitable further offences unless we take action to use the offender's time in prison to deradicalise them. We can only do that if there is an effective deradicalisation programme in place.

We have heard evidence that few people convicted of terrorism offences go on to commit further crimes, but some do. We have also heard evidence that these programmes are not entirely fit for purpose; perhaps, with these new longer minimum sentences, they really need a good overhaul. That is why the new clause has been tabled: to ask the Secretary of State to conduct a review of the impact of the provisions of the Bill on the effectiveness and availability of deradicalisation programmes in prison. Perhaps the Government could just tag it on to the Prevent inquiry and get two for the price of one.

The impact assessment for the Bill claims that longer incapacitation of terrorist offenders will enable

"more time in which to support their disengagement and rehabilitation through the range of tailored interventions available while they are in prison."

However, the amount of time during which individuals have access to deradicalisation programmes in prison is not a key factor in determining their success or otherwise; rather, it is the effectiveness and the availability of the programmes in prison that has come under increasing scrutiny.

We need to know what is happening in prisons. What programmes are being delivered, who are they delivered to, who are they delivered by, when are offenders undertaking the programmes, how many deradicalisation programmes one offender in for a minimum sentence is

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expected to cover, and how is the success of programmes delivered? Those are just some of the questions that such a review would look into.

We need to understand the effectiveness of the programmes, where they work, where they do not and what can be improved. Currently, the main deradicalisation programme in prisons is called the Healthy Identity Intervention, which delivers one-to-one, individually tailored sessions. It is supplemented by the Desistance and Disengagement Programme, which can be offered to both prisoners and those released on licence.

Neither the Healthy Identity Intervention or the Desistance and Disengagement Programme courses have undergone any form of evaluation process to date, so perhaps the Minister will agree that a formal review is long overdue. It is a key part of our justice system, and rehabilitation should be at the centre of that, because people are released back into society. Putting someone back into society who has not been rehabilitated simply increases their chances of reoffending.

I remember the evidence from some of our witnesses—in particular from Mark Fairhurst who, at the start of his evidence, spoke of the role of key workers, the Parole Board and a range of professionals working with the offender. It was all very positive and very much to be welcomed. He went on, however, to say that an extended sentence, where an offender serves their whole sentence in prison,

"incentivises people not to behave correctly or to go on deradicalisation courses."—[*Official Report, Counter-Terrorism and Sentencing Public Bill Committee,* 30 June 2020; c. 69, Q145.]

All the more reason why Ministers should understand more about how the deradicalisation system works for the offender and for society.

I would particularly like to see data on the average length of time for which an individual has been assessed as needing to undergo a deradicalisation programme before they actually undertake it. I am concerned that in such cases time is of the essence. The offender is likely to feel incredibly hostile to a system that has just imprisoned them. There cannot be an indefinite wait for them to be put on to a programme if they are willing to do it. Not getting on with it just allows more time for further radicalisation and mistrust of the legal and justice system.

In addition to that evidence, Professor Andrew Silke, who has studied efforts to deradicalise those in prison for terrorism offences, has reported that some prisoners who said that they were willing to participate in a programme were never put on one before their release. That could easily be rectified. We cannot and must not take chances. We need to ensure that the programmes are readily available as and when they are needed, and that there are no delays due to capacity issues or availability.

Where insufficient resources or structures are found in prisons, the Secretary of State must take action to resolve that. They must provide the resources to ensure that it is not a lottery and that no risks or gambles are being taken on the rehabilitation of a terror offender. It is really surprising that the Bill has nothing to say on what measures will be taken to ensure that effective deradicalisation programmes are available to individuals in prisons who need them. Arguably, simply by increasing the length of time that people spend in custody the provisions of the Bill risk further alienating them and giving them grounds for grievance against the authorities, placing them at greater risk of radicalisation.

Ruth Cadbury (Brentford and Isleworth) (Lab): I apologise for not being present to hear my hon. Friend's earlier speech, which I gather was excellent, as I was in the House. Does he agree that deradicalisation programmes are even more important for young offenders? The data and evidence produced over the years and provided to this Committee shows that younger offenders—certainly under-25s—are more susceptible to influences, so deradicalisation, when done effectively, is even more effective in reducing reoffending when young offenders are eventually released.

Alex Cunningham: I am grateful to my hon. Friend for that intervention. I have no doubt that she is correct. Young people are far more able to change their ways and benefit from the programmes. It is therefore essential that these programmes are in place. That is why I have spent most of my time in the past couple of weeks talking specifically about young people and how they differ from older people.

We all agree that rehabilitation is desirable and preferred, and a core cog in our justice system. Let us commit ourselves not only to talk about it, but to learn about it and ensure we deliver an effective system. The evidence so far to the Committee has suggested that it is not always effective. We need to deliver on that.

I am hopeful that the Minister will accept that a review is needed and that we need a greater understanding, just as we will have with the Prevent strategy. We need that greater understanding to ensure that the terror offenders have the support—and it is support—that they need in prison, so that when they are released into society, they can be the sort of citizens that we need them to be.

Chris Philp: I am grateful to the shadow Minister for raising this extremely important issue. As we heard in evidence a couple of weeks ago, most people who come out of prison having served a terrorism sentence do not go on to reoffend, as the shadow Minister said. I recall that the figure we were given was that only 5% to 10% of those prisoners released go on to commit subsequent terrorism offences. Thankfully, that is a low rate of recidivism, although it is very serious when it happens.

The shadow Minister asked why there are not more deradicalisation measures in this legislation. That is because most of our deradicalisation work and programmes are done operationally inside the Prison and Probation Service; they are not specified in legislation. Let me say, however, that a great deal is being done in this area. The Healthy Identity Intervention programme is one area to which the shadow Minister has referred.

We have doubled the number of specialist probation officers. As per earlier legislation, we are creating a new counter-terrorism assessment and intervention centre, set up as part of the new counter-terrorism StepUp! programme; it represents a major shift in our capability to intervene with terrorist offenders, including young terrorist offenders in exactly the way the shadow Minister was discussing earlier.

Alex Cunningham: Will the Minister give way?

Chris Philp: I was in full flow, but okay.

Alex Cunningham: The Minister was in full flow and doing very well, but I am interested in the statement he made that the Government have already doubled the probation capability in this area. I invite him to explain what he meant by that statement and say what the timescale is for this new centre, which sounds as if it is on the money.

Chris Philp: The proposals that have been made will double the number of probation officers who specialise in counter-terrorism and deradicalisation work. The new counter-terrorism assessment intervention centre will do the work I was just describing, including identifying the risk people pose and getting the right specialists to work with them to reduce their risk while they are in prison. That has to be the right approach. That is a significant change and evolution in the way in which we deal with this particular cohort.

The shadow Minister mentioned the programme that is already in place—the Healthy Identity Intervention programme—which I think has merit as well.

It is a one-to-one programme that supports desistance and disengagement from extremism by targeting the social and psychological drivers of that behaviour. That intervention is delivered by highly trained psychologists and probation officers in prisons, but also—critically—with offenders on licence after they have left prison.

2.45 pm

The work being done already is valuable; the enhanced work via the new counter-terrorism assessment intervention centre that I described will go even further. I hope that illustrates the direction of travel. We want to do more in this area, for the reasons discussed, and ongoing evaluation of that will be part and parcel of the Government's approach. There will be the normal three-year review of the legislation, of course—I suspect I may make that comment more than once as we discuss the coming 11 new clauses. That standard three-year review will be a useful and valuable checkpoint to see whether the measures that I have just described are having the desired effect.

Alex Cunningham: I would say that 5% to 10% of people reoffending in a terrorist way is 5% to 10% too many.

Chris Philp *indicated assent.*

Alex Cunningham: The Minister is nodding his head. He may have misinterpreted what I am trying to achieve with the new clause. He was saying that he does not want the detail of how we do deradicalisation in the Bill, but that is not what I am asking. I am asking for a review of how the process is working in prisons; I am not asking for details on how deradicalisation is done to be in the Bill.

The Minister originally said that the probation capability had already been doubled within the service, but in response to my intervention he said that that was a plan yet to be properly implemented. He also talked about the specialist centre, but did not answer the question of what the timescales were. There are an awful lot of unknowns here.

The Minister said that he hoped that what he had to say indicated or illustrated the direction of travel. It did, but we do not seem to be getting anywhere fast, and for that reason I wish to press the new clause to a Division.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 6, Noes 8.

Division No. 3]

AYES

Cadbury, Ruth	Cunningham, Alex
Charalambous, Bambos	McGinn, Conor
Cherry, Joanna	Owatemi, Taiwo

NOES

Bacon, Gareth	Marson, Julie
Butler, Rob	Philp, Chris
Dines, Miss Sarah	Pursglove, Tom
Everitt, Ben	Trott, Laura

Question accordingly negatived.

New Clause 2

REVIEW OF EFFECTS ON WOMEN

'(1) The Secretary of State must, within three years of this Act being passed, lay before Parliament a review of the effects of the provisions of this Act on women.

(2) That review must detail any differential effects on women in—

(a) sentencing;

(b) release of terrorist offenders; and

(c) the prevention and investigation of terrorism.

(3) The review must consider the impact of imprisonment under this Act on the physical and mental health of women.

(4) The review may make recommendations for further changes to legislation, policy and guidance."—*(Alex Cunningham.)*

Brought up, and read the First time.

Alex Cunningham: I beg to move, That the clause be read a Second time.

When I became shadow Justice Minister for courts and sentencing, one of the things that I was most interested in was how our justice system treats women in particular. We know that women are less likely to commit violent offences and make up about 5% of the overall prison population in the UK—although, having said that, I should say that the figure has doubled in recent times. Is that because women are committing more violent offences than ever before? No, it is not. According to Women in Prison, 80% of women entering prison have committed a non-violent offence. In 2017, 30% of all prosecutions of women were for evading the television licence fee. Just 4% of prosecutions of men were for the same offence.

We can debate the failures and merits of imprisonment as an effective or even moral punishment for a non-violent offence, but we are here to talk about counter-terrorism and sentencing. We want to put the issue down of the differences in sentencing between men and women. We

[Alex Cunningham]

need to consider the impact of our policies on all people. The new clause would require the Secretary of State to lay before Parliament a review of the effects of the Bill on women, including the differential effects on sentencing, on the release of terrorist offenders, and on the prevention and investigation of terrorism. The review must also consider the impact of the Bill on the physical and mental health of women.

Many women lose their homes and possessions when going to prison and are consequently released homeless. We often focus much on sentencing and punishing people for their crimes, but we do not do nearly enough, or invest anywhere near enough, to ensure that people get on the right track when they leave prison. When they leave prison and are homeless, and perhaps imprisonment has damaged relationships with their family and friends, they may feel that returning to crime is their only option. If an individual returns to crime because they do not have the support to build a better life for themselves, it is we who have failed.

The issue is not just about accommodation and material possessions. Only 9% of children whose mothers are in prison are cared for by their fathers in their mother's absence. Just 5% of children remain in their family home when a mother goes to prison. We cannot apply a one-rule-fits-all approach, because one rule does not fit all, and we must recognise the difference in circumstances, outcome and impact that sentencing women has compared with sentencing men.

The review would help us as lawmakers to establish where further policy developments are needed to address any unexpected or undesirable impacts of the new legislation. That could then have an impact on the length of sentence that a woman terrorist received. We would like to know the impact on children if a mother is sentenced to prison for a terror offence. What happens to children to ensure that they do not develop a distrust of the justice system, which can lead to radicalisation? How do we introduce measures that are sensible, proportionate and smart?

I hope that the Minister will be able to tell me what research the Government have done on how approaches to women's sentencing and licensing differ from those of men in the context of the Bill, and how the Government are recognising and acting on that difference.

Chris Philp: To state the obvious, the measures in the Bill apply equally to men and women. No distinction is made between them. A full equalities assessment was undertaken as part of the preparation for the Bill and has been publicly published. Indeed, it suggests that men will far more affected by the Bill than women, because far more men, unfortunately, commit terrorist offences.

That assessment of gender impact in the context of the Bill has been undertaken already, but Ministers and other public servants operate under further statutory obligations that will ensure that the Bill is implemented in an even-handed manner. For example, section 149 of the Equality Act 2010 places a duty on Ministers and the Department to have due regard to the need to eliminate unlawful discrimination, harassment, victimisation and other prohibited conduct. Moreover, article 14 of the European convention on human rights is engaged.

I understand that there are wider issues to do with sentencing and how female offenders are treated. Those are perfectly legitimate questions, but as far as the Bill, which is about terrorism, is concerned, men and women are treated equally. We have had the equalities impact assessment already and, for the purpose of terrorism legislation, that goes far enough. I am sure that we will debate on many occasions the wider questions of sentencing and prisons policy in relation to men and women, but as far as this Bill is concerned, that has been adequately addressed.

Alex Cunningham: I am grateful to the Minister for his explanation. If the Government recognise all their other statutory obligations in relation to women, that is a positive thing. On that basis, I beg to ask leave to withdraw the clause.

Clause, by leave, withdrawn.

New Clause 3

FINANCIAL IMPACT ASSESSMENT REPORT

"(1) The Secretary of State must, within three years of this Act being passed, lay before Parliament a report on the financial impact of the provisions of this Act.

(2) That report must separately consider the financial impact of—

(a) extended sentences on the prison estate;

(b) extended licence periods;

(c) any increased staffing resources required for Her Majesty's Prison and Probation Service;

(d) the extended offenders of particular concern regime; and

(e) adding polygraph testing to certain offenders' licence conditions.

(3) The report may consider other financial matters.

(4) The report must compare the financial impact of the Act with the Impact Assessment for the Counter-Terrorism and Sentencing Bill published by the Ministry of Justice on 18 May 2020."

Brought up, and read the First time.

Alex Cunningham: I beg to move, That the clause be read a Second time.

New clause 3 would require the Secretary of State to lay before Parliament a report on the financial impact of the provisions of the Bill. In that report, the financial impact must be considered, as set out in new clause 3, as consisting of:

"(a) extended sentences on the prison estate;

(b) extended licence periods;

(c) any increased staffing resources required for Her Majesty's Prison and Probation Service;

(d) the extended offenders of particular concern regime; and

(e) adding polygraph testing to certain offenders' licence conditions."

As the Minister knows, Labour backs the Bill, but we are a little disappointed at the Minister's considerable reluctance to examine the consequences of the Bill with the reviews and reports that we have called for—not to take up his time, but to inform him and his successors. Above all, however, we know that for the provisions in the Bill to be implemented and effective, there needs to be the resource behind it and the financial support to address the issues that we have raised in Committee, even if they are not addressed in the final Bill, such as deradicalisation programmes.

The Ministry of Justice has estimated that the Bill will only result in an extra 50 prisoners and reckons that the cost will be contained to around £16 million a year. During an earlier discussion last week, we talked about numbers—about which numbers were right and which might be difficult or misunderstood. The Minister replied:

"We can extrapolate how many of those 50 are aged between 18 and 21, as we discussed in the previous sitting. I do not think that number is the annual flow or the number of convictions per year. As I understand it, it is the impact on the total prison population. Given that these sentences are quite long, one would expect that the annual flow into the system affected by these serious terrorism sentence provisions would be somewhat lower than that."—[*Official Report, Counter-Terrorism and Sentencing Public Bill Committee,* 2 July 2020; c. 133.]

When I challenged him on that number, asking whether it was an annual number or in fact the total number over a long period of time, he said:

"I will double check that number, but my understanding, which I will check, is that as a consequence of the measures the total prison population will increase by 50, which is different from an extra 50 people extra flowing in each year." —[*Official Report, Counter-Terrorism and Sentencing Public Bill Committee,* 2 July 2020; c. 134.]

Chris Philp: Will the hon. Gentleman give way?

Alex Cunningham: I will give way when I am ready, but I am going to refer to the Minister's letter, because he has written to me; I appreciate that he took the time to do so. He said in that letter:

"Our impact analysis has identified that, in steady state, the provisions may result in fewer than 50 additional prisoners per year, and fewer than 50 additional probation caseload. These are based on historical volumes of convictions and assumes that trends in sentencing remain stable. These impacts relate solely to the effect of longer periods in custody on the number of prison places required, and longer periods on licence with their associated effects on probation caseloads, not to an increased number of sentences."

I believe that there is a recognition there from the Minister that there is a cumulative effect and that the number is not less than 50; in fact, there could be considerably more people in the system, particularly after a given number of years, and perhaps especially so after 10 years.

I now give way to the Minister.

Chris Philp: I think what I said in my original speech and intervention was correct. As a result of the changes in the Bill, we think that at any one time there will be 50 more people in prison than would otherwise be the case. I think I said that in my original speech, and it was correct.

Alex Cunningham: That leaves me rather confused. The Minister says that his original speech was correct, and I assume that he is also saying that his letter to me was also correct, but as far as I can see those two things conflict. In his letter, he said that

"Our impact analysis has identified that, in steady state, the provisions may result in fewer than 50 additional prisoners per year".

I emphasise that: "per year". He goes on in his letter to give a bit more detail; perhaps quoting this will be helpful. He says, in a paragraph towards the end of his letter that I will read in full:

"For further insight, the most recent Home Office statistical publication on the 'Operation of police powers under terrorism legislation' shows in the year to December 2019"

—that is, in one year—

"there were 65 individuals charged with a terrorism or related offence, of which 2 (3%) were under age 18 and 10 (15%) were aged 18-20. Twenty-two of those charged were convicted in 2019, of which 1 (5%) was under 18 and 4 (18%) were aged 18-20. We do not expect the Bill to have a notable impact on such small volumes."

That was the number of charges per year, and 22 people were convicted in 2019. If 22 people are convicted in each of the next four or five years, that is 100 additional people alone. I cannot quite understand what the figures really are. Are they correct in the letter or in the Minister's original statement to the House?

Chris Philp: I think they are correct in both. There is the stock, and there is the flow. The stock is the number of extra people in prison as a consequence of the measures, which could be 50. The flow is the number of people going into prison each year who might be affected by these provisions, which will be less than 50.

On the numbers that the hon. Member just quoted—the various convictions that occur—not all of those will necessarily be affected by the provisions in the Bill. I realise there are a lot of numbers floating around, but those figures are internally consistent. I would be very happy to sit down in a cold, dark room and go through them again. There is consistency.

3 pm

What was interesting in those figures in the letter were the numbers on young people, which the shadow Minister has mentioned quite frequently. I included those in the letter to illustrate the point that I had estimated in Committee a few days ago. I said I thought the numbers were very small. The numbers that the shadow Minister just read out verified the fact that the number of people between 18 and 20 who are caught up in this is, thankfully, very small.

Alex Cunningham: I am grateful to the Minister for that intervention. I think it is I who needs a dark room somewhere to try to settle my head on this issue, but it would be a good idea if we could have specific clarification from the Minister at some time in the future.

I acknowledge the relatively small numbers—very small numbers—in this illustration of young people, but it does not matter whether it is one young person or a hundred. We need to treat them in a very different way from the way we treat people in the adult population, either by allowing them to have a counsellor present when they undergo a polygraph test or through the way that pre-sentencing reports are prepared for them prior to sentencing.

Bearing in mind that we do not know what numbers we are playing with now, can the Minister tell us whether the financial cost that has been identified for the new provisions will cover the additional cost of housing prisoners; the additional cost of creating spaces for new prisoners; the additional cost of having more than one specialist centre; the additional cost of having further specially trained prison officers; the cost for probation services of expanding the sentence for offenders of a particular concern regime; the impact of longer licensing

[Alex Cunningham]

on the National Probation Service; the new use of polygraphs; and the impact on youth offender teams? Such measures always have ripple effects, so we ask the Secretary of State to lay before the House within three years a report on the real financial impact of all these things.

There should never be an issue of resources when it comes to justice matters. We should ensure that prisons are properly staffed and that those staff are properly supported, be it for their personal security or to provide them with adequate services when they suffer mental illness as a result of their job—services that we heard are currently inadequate.

We should recognise the challenges that the justice system is facing. The Minister has tried to reassure us that the Government have a handle on the crisis in the courts, with hundreds of thousands of cases yet to reach them. Justice is being chronically underfunded. The Lord Chancellor simply does not have the resources he needs to do his job properly, so I struggle to have much faith that the measures in the Bill would be properly backed up financially.

I am sure the Minister will try to reassure me that all will be well and that there is plenty of cash to meet all the costs that the Bill will result in. Good! He could demonstrate his confidence in his statement by commissioning the report covered by this new clause.

Chris Philp: It is a pleasure to respond to the points that the shadow Minister has just made. I think I answered the points about numbers in my intervention on his speech, so let me speak to the financial cost. The financial cost of the measures proposed in the Bill has been comprehensively assessed in the impact assessment. Because the numbers are so small—an increase in the prison population of 50, or far fewer than 50, per year—the actual financial impact will be extremely small in the context of Her Majesty's Prison and Probation Service's budget. Let us remind ourselves that around 80,000 people are in prison, so an additional 50 will not represent a substantial impact in that context

When discussing the previous new clause, I spoke a little about the wider deradicalisation work, the new team and the increased investment in specialist officers who work with radicalised prisoners. An extra £90 million for this year was announced for counter-terrorism policing—catching people in the first place and preventing terrorist atrocities from taking place—which is a substantial increase in spending on exactly the police who are active in this area, so the resourcing is being increased. The total budget for the prison and probation service is substantially higher this year than last year, which I think will be welcome.

On a review, the Bill will clearly have a very small financial impact on the prison and probation service's total budget. Were we to review this along with the other 11 proposed reviews before us, we would do nothing but reviews all day. The financial review will probably be well caught up in the general financial reviews we conduct anyway and the debates we have on prison and probation funding. I do not think a further review would shed any additional light on that.

Alex Cunningham: I just wonder what probation officers and prison officers will have to say in a few years' time when they are still telling us that there are insufficient prison and probation officers in the system. That is bound to have an impact in this area as well.

The Minister listed all these wonderful initiatives—the new centres, new initiatives, the different things that are going to happen. These things cost money; I think £16 million was the figure in the in the paperwork. I just wonder how far that will actually go.

I am also interested in whether the £90 million the Minister referred to is not in fact related directly to what will happen as a result of this Bill. However, there is no doubt that that additional money is needed. We need to be able to empower our authorities to secure more convictions. The Minister's letter, in 2019, stated that one in three people charged with a terror offence were actually convicted according to the Government's own statistics.

However, I accept that there are other reviews and things as far as financial things are concerned, so we will leave the matter there. I beg to ask leave to withdraw the clause.

Clause, by leave, withdrawn.

New Clause 4

Role of the Parole Board

"(1) The Secretary of State must make an oral statement to the House of Commons on the effects of the provisions of this Act on the functions of the Parole Board.

(2) That statement must be made before the provisions relating to—

(a) life or indeterminate sentences for serious terrorism offences, and

(b) removal or restriction of early release for terrorist prisoners come into force.

(3) The statement must explain—

(a) the intended role for the Parole Board in the release of prisoners affected by the matters in subsection (2);

(b) what, if any, expert assessment of such prisoners will be undertaken before they are released;

(c) who will carry out any such expert assessments;

(d) whether any steps will be taken to compensate for any loss of intelligence gathering from a reduction in Parole Board interviews.".—*(Alex Cunningham.)*

Brought up, and read the First time.

Alex Cunningham: I beg to move, That the clause be read a Second time.

The new clause asks for an oral statement, not a review. The Minister is probably relieved that he would not have to carry out yet another review, but on the basis that he is not carrying out any, I do not know why it has proven a problem to him.

The new clause would require the Secretary of State to make an oral statement to the House of Commons on the effects of the provisions of the Bill on the functions of the Parole Board. The statement must be made before the provisions come into force relating to the life or indeterminate sentences for serious terrorism offences and the removal or restriction of early release for terrorist prisoners. It must also explain the intended role for the Parole Board in the release of prisoners

affected by the matters in subsection (2); what, if any, expert assessment of such prisoners will be undertaken before they are released; who will carry out any such expert assessments; and whether any steps will be taken to compensate for the loss of intelligence gathering from a reduction in Parole Board interviews.

The Minister may well say that there is no need for such a report or statement, most likely because he has sacked the board from its role in relation to offenders given indeterminate sentences. That would be sad, and I hope the Minister will take some time between now and Report in a couple of weeks' time to reflect on how the Parole Board's expertise could have a role in the assessment and rehabilitation of this particular group. The Parole Board has an unparalleled wealth of experience in managing offenders and assessing risk. We must ensure that experience is used, rather than abandoned.

As well as being asked to assess risk, the Parole Board plays a vital role in providing an incentive for prisoners to reform, and to respect each other as well as prison officers. It also provides intelligence vital to the work of the police and security agencies. I know that the prospect of early release is a key tool—probably the key tool—in the work of the Parole Board, but that is not a good enough single reason to turn our backs on it. The Bill intends to do away entirely with the Parole Board for those convicted of serious terrorist offences, yet we have been given no specifics as to what will replace its role. The Ministry of Justice assures us that no prisoner will be released back into the public realm without being risk-assessed, but we have heard no further detail as to how those assessments will take place, who will carry them out, or how frequently they will be conducted. Quite simply, the Bill removes a vital piece of the rehabilitation and monitoring of prisoners, and nothing has been offered to replace it.

Those who work for the Parole Board are experts in their field, and there is huge concern among Opposition Members that no assessor will be able to meet the standard of scrutiny currently offered by the Board. Ad hoc assessments conducted by unknown persons using unknown methods is just not good enough, and risks leaving us with prisoners released into communities under the supervision of services that will not have the benefit of the expertise that Parole Board members bring. That is an unacceptable risk, and we need assurances from the Government about what their plan is. Can the Minister explain what these assessments will look like, what qualifications the assessor will have, and how they will be appointed? Can he also explain the rationale for removing the Parole Board's role, and why he thinks this new system that has yet to be clearly defined is better placed to carry out those assessments? Parliament deserves to understand the rationale behind these Government plans.

Chris Philp: The changes we made back in February, through the Terrorist Offenders (Restriction of Early Release) Act 2020, extend the remit of the Parole Board. Previously, terrorist offenders who were released early at the half-way point when serving standard determinate sentences would have been released with no prior consideration by the Parole Board. Now, the Parole Board will consider them prior to release at the two-thirds point, or subsequently if not referred at that point, so those changes dramatically expanded the Parole Board's involvement with terrorist prisoners. Secondly, the Parole Board will of course still be involved with terrorist prisoners serving indeterminate sentences.

There is one remaining cohort: the very small minority of serious terrorist offenders who we have been debating during consideration of this Bill, those who will serve their full sentence in prison and will not be considered by the Parole Board prior to their release. The shadow Minister asked about the process that will take place in relation to that small minority of prisoners. As we touched on while taking evidence, a whole range of measures are taken to make sure those prisoners are properly managed and risk-assessed. The existing multi-agency public protection arrangements are at the core of that: they have been well-documented and well-reviewed, including by Jonathan Hall, so we know exactly what they are. Those measures also include the work done by the Prison and Probation Service, both in prison and afterwards on release, and work done in conjunction with CT policing.

Where the Parole Board will not be involved in a prisoner's release decision, all those agencies will continue to be heavily involved in their risk assessment, working with the prisoners on deradicalisation where that is possible and managing them in prison and then in the community afterwards where it is not possible. I think we asked one of our witnesses, although I forget which one, whether they had confidence in those arrangements—MAPPA, the prison service, the probation service and the police—and the witness was very clear that they did. I have confidence in them as well.

3.15 pm

Alex Cunningham: I am grateful to the Minister for reminding us about those different cohorts and how they have been dealt with. Of course, the Opposition very much supported the provisions that were introduced earlier this year. As for this particular cohort, although I still think it is regrettable that there is no role for the Parole Board in working with some of our most dangerous offenders, I see no sense in pressing the clause to a vote. I therefore beg to ask leave to withdraw the clause.

Clause, by leave, withdrawn.

New Clause 5

Review of effects on children and young offenders

"(1) The Secretary of State must, within one year of this Act being passed, lay before Parliament a review of the effects of the provisions of this Act on children and young offenders.

(2) That review must detail any differential effects on children and young offenders in—

(a) sentencing;

(b) release of terrorist offenders; and

(c) the prevention and investigation of terrorism.

(3) The review must consider the impact of imprisonment under this Act on the physical and mental health of children and young offenders.

(4) The review must consider the influences on children and young offenders who commit offences under this Act, including but not limited to—

(a) the internet;

(b) peer-pressure; and

(c) vulnerability.

(5) When conducting a review under this section, the Secretary of State must consult with Scottish Ministers.

(6) The review may make recommendations for further changes to legislation, policy and guidance.

(7) For the purposes of this section, young offenders include adults aged under 25."—*(Joanna Cherry.)*

This new clause would require the Secretary of State to review the effects of these measures on children and young offenders. It would also require the Secretary of State to consult with Scottish minister when conducting the review.

Brought up, and read the First time.

Joanna Cherry (Edinburgh South West) (SNP): I beg to move, That the clause be read a Second time.

It is a pleasure to serve under your chairmanship, Mr McCabe. I apologise if I am interrupting the flow of the hon. Member for Stockton North as we go through the new clauses, but I suspect that he will sympathise with this one, which I move on behalf of the Scottish National party. I remind colleagues that sentencing is a devolved matter, and that there will have to be a legislative consent motion in relation to the Bill, but clearly the Bill has implications for sentencing across the United Kingdom and Northern Ireland.

New clause 5 would require the Secretary of State to carry out a review of the effects of the provisions of the Bill on children and young offenders, to lay that review before the House within one year of the Bill being passed, and to consult with Scottish Ministers when conducting it. The clause reflects concerns already expressed by the hon. Member for Stockton North and by some of our witnesses about the impact of the legislation on children and young people. In support of it, I will refer to four aspects of the evidence that the Committee has received in writing or orally.

The first relates to evidence from the Independent Reviewer of Terrorism Legislation, Jonathan Hall, which we heard on the first day of evidence, 25 June—in particular, his responses to questions 15 and 16, which were asked of him by the hon. Member for Stockton North in reference to one of several notes that Jonathan Hall has prepared on the Bill. The hon. Gentleman asked him about point 10 of the first of those notes, titled "Note on Counter-Terrorism and Sentencing Bill: Sentencing Reforms (1)", in which Mr Hall says:

"The requirement of a minimum mandatory sentence for all adult offenders, however young, puts in doubt whether judges can properly reflect the fact that an adult of 18 years and one month may not be any more mature than a child of 17 years and 11 months".

Of course, those sentences are not available for a child, but they are available for those defined as over 18. Mr Hall went on to say:

"Age may or may not result in 'exceptional circumstances' being found, which is the only basis on which the 14-year minimum can be avoided."

The hon. Member for Stockton North put it to Mr Hall, in question 15, that that struck him as a cautionary note, and he invited him to elaborate upon it. Mr Hall said:

"I have identified what is really a policy choice for Parliament. As a matter of fact, I can say that an increasing number of quite young people are being caught up in terrorism, including new forms of terrorism—not just conventional Islamist, extremist or right-wing terrorism, but other new emerging forms, such as the incel movement or even things at the very boundaries of what you might consider terrorism that are very violent. It is not impossible that young people will be caught up in this.

The point I am making—I have referred to an authority from England and Wales and I think I have also referred to the approach in Scotland—is that there is recognition that people who are young and immature are probably more susceptible to change than adults. I suppose it is a choice for Parliament, but the age for a mandatory minimum sentence—meaning no prospect of early release, and effectively putting to one side the possibility of reform—might be raised to 21, rather than that being for those in the 18-to-21 bracket. I understand that in Scotland there is a debate over whether it should be as far as 25.

All I can do is identify the choice that has been made and point out that when it comes to sentencing, traditionally it is recognised that people are not necessarily that different when they are one month over 18 as opposed to one month under 18."—[*Official Report, Counter-Terrorism and Sentencing Public Bill Committee,* 25 June 2020; c. 10, Q15.]

The hon. Member for Stockton North said:

"But the bottom line is that with young people, perhaps, there is greater change. You have said that there may be greater opportunity for reform there than with those who are considerably older."

Mr Hall replied:

"That is what judges are increasingly finding."—[*Official Report, Counter-Terrorism and Sentencing Public Bill Committee,* 25 June 2020; c. 10, Q16.]

The hon. Member for Stockton North has mentioned this afternoon that there might be a greater opportunity for young people to reform their ways and be deradicalized than there is for middle-aged and older people.

My second piece of evidence is Mr Hall's third note on the Counter-Terrorism and Sentencing Bill, which deals specifically with the effect of the proposed changes in sentencing in Scotland and Northern Ireland. In particular, in paragraphs 21 to 26 Mr Hall talks about children and young people, and states:

"Striking features of the proposed legislation concern its application to children and young offenders.

The proposed application of the serious terrorism sentence to offenders aged 18 to 21 in Scotland raises starkly the question of whether there is a bright line between offenders above and below the age of 18. This is because the Scottish Sentencing Council is currently consulting on its third draft guideline, 'Sentencing Young People' and proposes that special sentencing principles should apply to offenders up to the age of 25."

Paragraph 23 of the note states:

"Even if the Sentencing Council guideline does not ultimately go as far as 25, the application of the minimum mandatory sentences to those in the 18 to 21 bracket, and even more so the removal of the role of the Parole Board…for dangerous serious terrorism offenders for both adults and children, appears inconsistent with the distinct youth criminal justice regimes which have developed in each part of the United Kingdom."

Mr Hall says:

"The current trend in Scotland is towards a welfarist approach to youth criminal justice, reflected in the Scottish government's Youth Justice Strategy in June 2015. In Northern Ireland, following a recommendation by the Criminal Justice Review…the Youth Justice Agency was established to administer youth justice in Northern Ireland."

He continues:

"There is a risk in Northern Ireland, as elsewhere, that young offenders may be manipulated by terrorist groups or other unscrupulous individuals operating in the real world or online."

He concludes at paragraph 26:

"As part of my role I receive regular briefings on counter-terrorism detention. I am aware of children, including quite young children, being arrested and detained for serious offences. Age does not necessarily inhibit capability (particularly technical capability) and intent. The internet, peer-pressure, and vulnerability are all significant factors in the types of offences committed and ideologies

espoused. I question whether children who receive extended sentences for serious terrorist offences are so different from children who commit extended sentences for other serious offences, as to justify removing the Parole Board's role."

That is a fairly detailed exposition of the concern that the Independent Reviewer of Terrorist Legislation has about the impact of the Bill on children and young offenders.

My third piece of evidence is the written evidence from the Law Society of Scotland. On page 6 it echoes the concerns of the Independent Reviewer of Terrorism Legislation, and draws attention to the fact that the Scottish Sentencing Council is currently consulting on sentencing young people and considering changing the definition of a young person by raising the age to 25. That consultation opened on 28 February and will close on 21 August. Views are being sought on the sentencing of young people, with a recognition that that is complex and challenging and a suggestion that the sentencing of young people requires a more individual approach, with a need to take the unique circumstances of the young person into account.

The Law Society of Scotland states in its evidence that the

"introduction of mandatory minimum sentencing gives rise to concerns about the effect on young persons",

because, as Jonathan Hall has said, they are more responsive to internet peer pressure and more vulnerable—those are significant factors in their offending.

Peter Dawson, the director of the Prison Reform Trust, has extensive experience of working in the system as a governor and deputy governor. In his oral evidence session, I asked him to elaborate on something that he had told the Minister at the beginning of the session:

"You said that some aspects of the Bill may undermine public protection. Can you summarise what you meant by that?"

Mr Dawson replied:

"There are two aspects in particular. One I have spoken about: the absence of a process for some of the people affected. There is probably nothing more to say on that.

The second is probably rather more controversial because it is about the length of sentences. The Government, in explaining the Bill and justifying a 14-year minimum, say that that gives time for work to be done with the offender during the sentence. That is much longer than is needed for that work to be done. The difficulty with very long sentences, across the board, is that they destroy what is known in the trade as protective factors—they destroy the things that are most likely to help someone out of crime in the future.

Relationships are an obvious example. For somebody who is convicted in their late teens or early 20s and who is not released until their mid to late 30s, the opportunity to build a life that is worth living, in which they can contribute to or play a part in society, has very often been destroyed. All of the things that the rest of us do during that period in our lives have not happened and may not happen once that person is released. It is a disgruntling process. Long sentences are justified for the most serious crime, but the longer we make them, the more harm we do and the more difficult it is for the person to live the rest of their life in the way that we all do." —[*Official Report, Counter-Terrorism and Sentencing Public Bill Committee,* 25 June 2020; c. 34, Q78.]

I then asked Mr Dawson:

"How important is rehabilitating terrorist offenders for the ongoing protection of our constituents and the public at large?"—[*Official Report, Counter-Terrorism and Sentencing Public Bill Committee,* 25 June 2020; c. 35, Q79.]

He said, "It is essential." I read from that that Mr Dawson was drawing on his long experience to say that we are potentially creating real difficulty for ourselves by applying minimum mandatory sentences to children and young people. Those who are convicted in their late teens and early 20s will not get out until their mid to late 30s. During that time, most of us are maturing, learning how to participate in the labour market, forming significant relationships, and possibly having children or taking on responsibility for children in our wider family and friendship circles. Those convicted young people will be unable to do any of those things, which may prevent their deradicalisation.

Drawing on the evidence from Jonathan Hall, the Law Society of Scotland and Mr Dawson, I think that there is real and well-founded concern about the potential impact of minimum mandatory sentences on children and young people, which happens against the backdrop of divergent approaches to youth justice across these islands—I have explained what is happening and is being contemplated in Scotland, and what is happening in Northern Ireland. It is against the backdrop of those—in my submission—well-placed concerns that I seek to amend the Bill to mandate the Government to carry out, within one year, a review of the effect of the provisions on children and young offenders.

We would probably all accept that children and young people are different from middle-aged and older people and that we perhaps have a special responsibility towards them. In this context, with particular regard to the evidence given by Mr Dawson and Jonathan Hall, we have a responsibility to the public to try to rehabilitate children and young people who become involved in terrorism. There seems to be strong evidence that there is more chance of rehabilitating them than there is with older people.

There are two good reasons to have this review: our responsibilities to children and young people in general and, perhaps more importantly, our responsibility to the public, and British citizens at large, to do what we can to try and deradicalise convicted terrorists. We know we are much more likely to be able to do that with children and young people. I will be interested to hear what the Minister has to say in response to my new clause.

3.30 pm

Taiwo Owatemi (Coventry North West) (Lab): Once again, it is a pleasure to serve under your chairmanship, Mr McCabe.

I speak in support of new clause 5, in the name of the hon. and learned Member for Edinburgh South West, which calls on the Secretary of State to review the effect of the measures in the Bill on children and young offenders. Much of the new clause relates to young offenders, and I agree that the impact of this Bill on them must be huge. We simply cannot treat young offenders in the same way as fully matured, grown adults, who fully understand their actions. The impact on their mental and physical wellbeing should be a fundamental consideration on how we carry out justice in this country.

The new clause also leaves room to consider the more general impact on children who are not accused of a crime. Children are often victims in the pursuit of justice, when they have done nothing to deserve the situation or warrant being the victims of a crime. All

[Taiwo Owatemi]

too often, children of offenders will pay the price for their parents' crimes. This crime will also have serious effects on women. Only 9% of children whose mothers are in prison are cared for by their fathers, in the absence of their mothers. Only 5% of children remain in their family home when their mother goes to prison. A fifth of women prisoners are lone parents before imprisonment.

I am not aware of the background of Members in this Committee, but I cannot imagine how it must be for a child to see their parents taken away from them for a long period of time and having to live in a different way, with different people. Victims of crime never deserve to be so. It is imperative that this House recognise the true impact of our legislative decisions and how they affect the most vulnerable, in this case children. We support this new clause on that basis.

The young offenders of today do not have to be the reoffenders of tomorrow, but we need to make an effort and carry out the research to stop that happening. There will be children and young offenders caught up in terror crimes. It would be naive of us to think that there is any crime that children cannot be drawn into, but we have a choice about how we respond. We have the opportunity to ensure that they are not defined by the actions of their youth and that the actions of others will not disproportionately affect their lives.

I hope that the Minister will be able to support this new clause, as we do, and act to acknowledge that we must put the focus on how children and young offenders are treated and impacted.

Chris Philp: I thank the hon. and learned Member for Edinburgh South West for moving the new clause, and for the eloquence and passion with which she described its various component parts.

The Bill already treats people under the age of 18 very differently from those aged over 18. It has different provisions, as we have already debated. Therefore, people who are children in the legal sense of the term—people who are under the age of 18—are already treated completely differently by the Bill, compared with those over the age of 18.

In relation to those aged between 18 and 20, 18 and 21, or 18 and 24, depending on where the line is drawn, there is clearly a wider debate to be had about the way that their brains mature and about the opportunity to reform those people, compared with people who are a little bit older. However, in the context of the Bill, I emphasise that we are talking about the most serious terrorist offenders. We are not talking about the average 20 or 21-year-old. We are talking about people who have committed the most serious terrorist offences.

It is worth reminding ourselves what level of severity has to be met before somebody gets the mandatory 14-year minimum term, all of which gets spent in prison. To qualify for that sentence, it has to be a serious terrorist offence. The offender has to be found to be dangerous—a finding that the judge makes on reading a pre-sentence report, so the judge can take that into account. It has to be an offence—one of the most serious offences—that ordinarily carries a life sentence. Most chillingly of all, it has to be an offence where there was a risk of causing multiple deaths, and the person carrying out the offence would have known or should have known about that. So we are talking about offences of the most exceptional gravity.

Ruth Cadbury: I entirely accept the important point that the Minister raises and how the issue is about severity. However, Labour Members keep raising the point about maturity. Whether it is stealing apples or being involved in planning a major terrorist incident where loss of life is potential or actual, maturity is an issue. As colleagues have said several times, and there is a raft of evidence, young people under 21—they get more mature as they get nearer 25—are at risk of coercion and radicalisation, and their very immaturity draws them into these crimes, however severe. All we ask in this new clause is that there should be a review and that maturity should be taken into account, in the same way that it is now taken into account in the context of sentencing those over 18.

Chris Philp: I appreciate the hon. Lady's intervention and the sentiments behind it, but I am not sure I entirely agree that this very small number of offences can be compared with the theft of apples. We are talking about a tiny handful of people who have committed the most serious offences where multiple people could have been killed and where the judge has found that the offenders are dangerous. Had they simply been misled, or coerced even, it might be open to interpretation as an exceptional circumstance, although we expect the exceptional circumstance derogation to be extremely rare—as the name implies, it is truly exceptional. Should truly exceptional circumstances exist, there is that opportunity open to the judge, but it would have to be truly exceptional.

To emphasise again how small the numbers are, the shadow Minister, the hon. Member for Stockton North, reading out my letter when we debated a previous clause, said that, last year, in 2019, of the 22 people convicted of terrorist offences, only four were aged between 18 and 20, and not all of those would meet the criteria for the serious terrorist sentence that we are talking about, so the numbers are microscopically small, thankfully, for those aged between 18 and 20. There is also the exceptional circumstance override, and we are talking about offences of the most serious kind, which have to pass three or four different hurdles before qualifying for the assessment that we have just described. In that context, where the offending is so serious and the risk so grave, the approach being taken is a reasonable one, but I accept the more general point about maturity in other, less serious contexts.

On the question of a review, given that the numbers are so very small, I am not wholly convinced that a bespoke review is the right thing to do, but, of course, there will be a regular review, as I might say frequently in the coming clauses, at the three-year mark, where it is right that the matter gets considered.

The hon. and learned Member for Edinburgh South West raised some points that will require consideration. It might well be that nobody at all aged 18 to 20 ends up being affected by this measure, in which case it will be a pretty short consideration. Mandating it by statute is not necessary. There are other review mechanisms. As we saw when we debated the Prevent review earlier, if

we have too many statutory reviews, we end up tripping over our own shoelaces by failing to meet all the deadlines that we have created.

The questions are serious. I understand and respect them. We will need to debate them in future, quite properly and rightly, but putting this measure in the Bill is a step that we do not need to take this afternoon.

Joanna Cherry: I thank the Minister for taking on board some of the points that I have made. In response to his points, first, I accept that this is only for the most serious terrorist offences. I completely accept that, and I accept that the numbers of children and young people who are so sentenced may be very small, but the important thing is that, if we have a young person or child convicted of a serious terrorist offence, and given the evidence we have heard about the opportunity to deradicalise and rehabilitate, there is all the more reason to try to make sure that that opportunity is taken.

All we are asking for is a review. If it turns out that the numbers are small, as is expected, it will not be a complex or time-consuming review. Although I am not going to push my new clause to a vote, I anticipate bringing it back to the Floor of the House. I would appreciate it if the Minister, in the spirit in which he responded, could take the evidential concerns away and consider what could be done specifically to measure the impact of this legislation on children and young offenders across these isles. I beg to ask leave to withdraw the clause.

Clause, by leave, withdrawn.

New Clause 7

REVIEW OF LEGISLATION: NORTHERN IRELAND

"(1) On an annual basis from the day of this Act being passed, a report that reviews the application of the provisions of this Act in Northern Ireland must be published and laid before both Houses of Parliament by the Secretary of State.

(2) Annual reports under subsection (1) must be produced in consultation with the Northern Ireland Minister for Justice and the Northern Ireland Executive —*(Conor McGinn.)*

This new clause ensures that all measures in the Bill as they pertain to Northern Ireland shall be reviewed annually with the Northern Ireland Minister for Justice and the Northern Ireland Executive, and a report shall be published and laid before both Houses of Parliament.

Brought up, and read the First time.

Conor McGinn : I beg to move, that the clause be read a Second time.

I will not detain the Committee too long. I have much sympathy with what the Minister says about the number of reviews that have been called for, but I hope, similarly, that he might have some sympathy with those of us on the Opposition Benches. While he, in government, gets to do, all we can do at the minute is ask to review. I hope that position might change after the next election.

On Second Reading, a number of hon. Members from Northern Ireland raised the critically important point that this legislation is clearly of great significance to that region. I think we would all wish to acknowledge that so many people there have lived and continue to live with the devastating consequences of violence in their communities. It is only following concerted efforts for peace and reconciliation, which remain so vital that, we see some of those scars starting to heal.

The Minister rightly said that the Bill was designed to deal with terrorism in all its forms and was a UK-wide Bill. However, given the unique and long-standing circumstances in Northern Ireland and the hard work done to build the Good Friday and subsequent agreements and the Northern Ireland Executive, it is important that we do not risk any unintended consequences from measures in the Bill, which could have an effect in Northern Ireland and could have damaging consequences.

To that end, on behalf of the official Opposition, I am tabling new clause 7 to ensure that all measures in the Bill, as they pertain in Northern Ireland, will be renewed annually with the Northern Ireland Justice Minister and the Northern Ireland Executive and that a report is published and laid before both Houses of Parliament. The Minister will know that the Justice Minister in Northern Ireland, with whom he and I have had extensive discussions, has herself expressed some concerns about the extension of provisions in the Bill to Northern Ireland, and has raised some potential inadvertent and unintended consequences that would be undesirable.

It is vital to the success of the legislation in performing and fulfilling a UK-wide function that we seek the benefit of her expertise—or that of whoever holds that post—and continue to monitor the legislation's implications in Northern Ireland. The structure of sentences in Northern Ireland, for example, differs from that in the rest of the UK, and there are special and unique circumstances there that mean that we ought to ensure we legislate specifically and responsibly. For example, post-sentencing regimes work in prisons for paramilitary prisoners and those in prison for reasons related to terrorist offending, and in terms of an approach to deradicalisation and the points made by the hon. and learned Member for Edinburgh South West about young people. Just as the polygraph section of the Bill has been crafted to be permissible but not mandatory in Northern Ireland, so it is right that all aspects of the Bill should be subject to review through the unique prism of Northern Ireland.

As we heard in the evidence sessions, the Northern Ireland Human Rights Commission set out a number of concerns about the legislation, including the retrospective nature of some provisions, both in terms of sentencing and release, the polygraph test, as has been mentioned, and the impact of provisions on those under the age of 18. I will not revise all those arguments here—they are known to members of the Committee—but it does seem obvious to me that it would be more advisable for the Government to work constructively with the Minister for Justice, rather than to risk legal or human rights challenges down the line. We spoke about that earlier in the Committee.

3.45 pm

Finally, it is right to give colleagues in Northern Ireland and the devolved Administration the respect and courtesy of formally seeking their views on the implementation of legislation in such a sensitive and important area. We would benefit from their expertise and input in monitoring the impact of this legislation, important as it is to Northern Ireland, just as it is everywhere else in the UK.

Chris Philp: I thank the shadow Minister for introducing new clause 7, which would, along with other proposed new clauses, create a veritable snowstorm of statutory

[Chris Philp]

reviews. I appreciate the comments he made about the tools available to the Opposition, which I hope not to have to avail myself of in the near future—who knows what might happen?—but I would say that the Opposition have many tools at their disposal, which they frequently use, including debates, questions, parliamentary questions, Freedom of Information Act requests, and so on and so forth. There is no shortage of methods, quite rightly, by which any Government may be properly held to account by Parliament.

On Northern Ireland particularly, we fully recognise that it has a unique history and that terrorism is interwoven into some parts of that. We have taken very careful time—a great deal of time—to make sure that we have not in any way interfered with or unpicked the very important provisions in the Belfast agreement, because we do not want to do anything that interferes with or undermines that very important agreement. However, matters of national security and terrorism are reserved matters and, as far as possible, we would like to have a consistent position, which is broadly speaking what the Bill seeks to do.

I understand there are issues of sensitivity, which the Justice Minister in Northern Ireland, Naomi Long, has raised with the Ministry of Justice here in London; it sounds as if she has also raised them with the shadow Minister. As I said in response to an intervention on our very first day of line-by-line consideration, we are in the process of having a very detailed, in-depth dialogue on those issues and are going through them one by one. Whether it is before or after the Bill is enacted, as I hope it will, I put on the record that we will always engage sensitively and deeply with the Northern Ireland Administration and, of course, the Government in Scotland in these areas, recognising how important they are to all parts of the United Kingdom. I assure the hon. Gentleman that that will be done with sensitivity and receptiveness.

On a statutory obligation to conduct a further review, I have mentioned my general position. Given Parliament's ability to question and debate, to FOI and so on and so forth—there is no lack of scrutiny—I do not think that a further statutory review would add anything to the process. I accept the point, however, that we need to keep a close eye on these matters and be in continued and close dialogue with all our colleagues in the various Administrations, in Belfast and Holyrood in particular.

Conor McGinn: I thank the Minister for his comments. The only part I would challenge is the claim that there is no lack of scrutiny in Parliament, as we have a body that is tasked with overseeing scrutiny and overviewing all these matters that has not yet been reconstituted—the Intelligence and Security Committee. It is clear to me from discussions with colleagues in Northern Ireland, and given the dialogue that the Minister has had with the hon. Member for East Lothian and the hon. and learned Member for Edinburgh South West that he is acting in good faith and is keen to resolve any outstanding matters with the devolved legislatures. It is important to put on record that that is very much the message that I have received. I encourage him to continue those discussions.

The Minister is right to assert that it is clearly a reserved matter, but there are elements that require a legislative consent motion, which will be difficult to get through the Northern Ireland Assembly. If the Justice Minister has reservations about it, one can only imagine what other parties in the Assembly and the Executive might have to say. I encourage him to continue those discussions. I am happy to assist him in finding a resolution and a way forward, because it is important that we get it right. On that basis, I will not press the clause to a vote and I beg to ask leave to withdraw the clause.

Clause, by leave, withdrawn.

New Clause 8

LONE TERRORISTS: REVIEW OF STRATEGY

'(1) The Secretary of State must commission a review and publish a report on the effectiveness of current strategies to deal with lone terrorists.

(2) A review under subsection (1) must be conducted by a person who meets the criteria for qualification for appointment to the Supreme Court, as set out in section 25 of the Constitutional Reform Act 2005.

(3) A review under subsection (1) must consider—

(a) counter-terrorism policy;

(b) sentencing policy as it applies to terrorist offenders;

(c) the interaction and effectiveness of public services with respect to incidents of lone terrorist attacks.

(4) For the purposes of subsection (3)(c), "public services" includes but is not limited to—

(a) probation;

(b) the prison system;

(c) mental health services;

(d) local authorities; and

(e) housing providers.

(5) The Secretary of State must lay a copy of the report before Parliament.

(6) A Minister of the Crown must, not later than 3 months after the report has been laid before Parliament, make a motion in the House of Commons in relation to the report.'—*(Conor McGinn.)*

This new clause ensures that the Government orders a judge-led review into the effectiveness of current strategies to deal with lone terrorists including, but not exclusively, current counter-terrorism and sentencing policy.

Brought up, and read the First time.

Conor McGinn: I beg to move, That the Clause be read a Second time.

As we have reiterated throughout the passage of the Bill, our overriding priority, which is shared on both sides of the Committee, is and always will be to keep the public safe, including from those individuals who seek to attack our values, destroy our way of life and divide us through abhorrent acts of violence and terror. The remarks made this morning by the hon. Member for Hertford and Stortford were a testament to that and the response to it. We in Committee were privileged to hear the speech, which was worthy of a wider audience. I hope to hear her invoke some of what her friend Louise said again on the Floor of the House on Report, because it was very valuable.

Following the shocking and tragic incident in Reading a matter of weeks ago, we need to take stock of the new and emerging threats from terrorism. The agility that the Minister has asked for in amending TPIMs should be applied when it comes to looking at the threat from

lone actors. That is why we have asked for a judge-led review into the Government's strategy on tackling the dangerous and growing menace of lone attackers. Reading was the third time in less than a year that we have witnessed such devastation on UK streets, each with a lone attacker at its core, callously intent on mayhem and destruction in our communities.

Our proposal would make provision to address the systemic response needed to that phenomenon. The new clause asks the Government to order a judge-led review of the effectiveness of current strategies to deal with lone terrorists. It should address counter-terrorism sentencing policy, as the Bill does, as it applies to terrorist offenders and the interaction and effectiveness of public services with respect to incidents of lone terrorist attacks.

Fundamentally, the review would seek to build firmly on previous research and expertise, such as the extensive work carried out by Lord Anderson that has provided a valuable insight into how we can improve and better connect the current systems. It would include an analysis of a wide range of key public services, including our probation and prison system, whose value and potential have been closely reflected on throughout these debates, but also mental health services, housing providers and local authorities, each of which can intervene at critical points. That is also why we need to get on with the Prevent review, which will play a critical part in addressing some of those issues.

There is absolutely no question about the high skill, dedication and bravery of our police and security and intelligence services. We need to do everything we can to support them as they set about their task of tackling extremism from root to branch, which is not easy. The fall in terrorism-related arrests to its lowest level in six years is concerning, particularly at a time when radicalisers and dangerous extremists increasingly operate through more and more sophisticated networks of hatred online, which are often understandably difficult for the authorities to monitor and intercept.

While the dangers of Islamist extremism persist, the menacing threat from far-right extremism is growing at a deeply disturbing rate. Far-right cases now make up almost a quarter of Prevent referrals and nearly half of all adopted Channel cases. All the while, the number of individuals in custody for terrorism-related offences and subscribing to those vile and hateful ideologies is up by one third on last year. That is on top of already record levels and steady rises over recent years.

We must urgently face up to this threat. We need to see that coherent and comprehensive strategy which, at this moment, I am afraid to say, appears to be lacking. The suspect in the Reading case was believed to be known to multiple public agencies and to have had a history of significant mental health issues; so too did the London Bridge and Streatham attackers. So many of our vital public services have interactions with individuals, which give them real concern, but they must have the necessary tools to intervene and work together in the most effective and efficient manner possible, ultimately to save lives and keep people safe.

The Lord Anderson review of 2017 outlines interesting pilot work on multi-agency centre pilots. They involve the identification of newly closed, high-risk subjects of interest; the sharing of data by MI5 and counter-terror policing with other agencies, such as local authorities and Government Departments; and the enrichment of that data from the databases of multi-agency partners. I wonder whether the Minister would write to me or enlighten the Committee on what is being done to address the existing barriers that were identified by the review to local partners' involvement in managing subjects of interest, including the challenges of resourcing.

Lord Anderson said that

"some local authority representatives cautioned against unrealistic expectations of services such as mental health and community safety… against, what was described to me as, a background of widespread recent degradation of local services".

Ruth Cadbury: I thank my hon. Friend for highlighting so clearly the risk of lone offenders, who are often not clearly linked to any particular organised network and are operating off not much more than hate, mental health problems and the internet. I think of David Copeland, who, in the space of two weeks, used nail bombs in violent attacks, causing death and injury to the black community in Brixton, gay people outside the Admiral Duncan in Soho and the Asian community in east London. Does he agree that there are potential new threats, as the independent reviewer pointed out in his evidence, such as the incel movement?

Conor McGinn: I do. My hon. Friend has eloquently outlined the development of the terrorist threat and its changed dynamics, as well as the fundamental point that hatred and terrorism does not discriminate. It is not homogeneous, because it is perpetrated by different people with different motives, nor does it discriminate, because fundamentally other people are hurt by it.

In asking for this, we are saying to the Government that those three attacks in different places, perpetrated by different people with no connections, over a relatively short space of time, provide evidence of a new and increasing threat. Coupled with the increase in right-wing extremism and the manifestation of that through referrals to Prevent and arrests, that needs to be looked at very carefully. Things have moved on since Lord Anderson's very good report in 2017.

It is time that the Government looked at that again to identify the issues Lord Anderson raised and what they have done to break down some of the barriers that he identified in 2017 that were preventing us from apprehending these people at various junctures throughout their journey—from starting out with an extremist ideology to, on their own, as lone actors, committing the most heinous crimes, causing the types of suffering, hurt and heartache that were expressed so eloquently earlier today.

Chris Philp: The hon. Member for St Helens North has raised an important matter: the problem of lone wolf attackers acting outside recognised group structures. We have seen, in those incidents that he referred to, the terrible impact of the actions of those people who, while they are acting alone, none the less cause devastating consequences for the victims of their actions. We should take the threat they pose extremely seriously.

Since those first two events—at Fishmongers' Hall and in Streatham—we have moved to change the law in a number of areas. First, we introduced emergency legislation—the Terrorist Offenders (Restriction of Early Release) Act 2020—which came into force on 26 February.

[Chris Philp]

As we know, that ended the automatic early release of terrorist prisoners and instead moved their release point to two thirds with Parole Board consent or later if not given, followed by the period on licence. We have legislated today to ensure that there is at least a year on licence, even where they serve their full term. That was one element of the response to those events to which the hon. Gentleman referred.

Of course, this legislation we are debating is part of that response, making sure that those most serious offenders are physically prevented from harming the public by incapacitation, which is a second important element of the Government's response. The third element was a review of the MAPPA—multi-agency public protection arrangements—which the Home Secretary and the Lord Chancellor commissioned in the aftermath of the Fishmongers' Hall attack from Jonathan Hall QC, whom we met a couple of weeks ago, to see what more we can do to ensure that those agencies are working together where opportunities arise to identify somebody who might pose a threat to the public. That work was extremely important.

It is worth saying that in the three years since March 2017, 25 different attacks have been foiled so, while it is of course a tragedy that any attacks at all happen, the measures taken have disrupted, foiled and prevented 25 atrocities that might otherwise have taken place. Now would be a good time, in that context, to extend our thanks and gratitude to counter-terrorism police and the security services, who have done that work to keep us and our constituents safe these past few years.

The hon. Gentleman's point about the need to be vigilant on this topic is well made. My colleague the Security Minister, my right hon. Friend the Member for Old Bexley and—

Conor McGinn: Sidcup.

Chris Philp: The hon. Member for St Helens North is more familiar with parliamentary constituencies than I am. My hon. Friend the Security Minister is working on this and I am sure, in a spirit of cross-party co-working, he would be willing to sit down and have a chat, possibly a confidential chat, with the hon. Gentleman about the work that is going on in this area.

It is a good topic to debate and to think about. I have made my views on statutory reviews clear and I will not repeat them, but this is a topic that Parliament should be considering. We have been discussing it ourselves, because these threats do exist and we need to do everything we can on prevention, not only through policing, but through other forms of intervention. The spirit of the hon Gentleman's comments is one I embrace and agree with, while very gently and politely resisting another statutory review.

Conor McGinn: I was going to put the new clause to a vote, but I thank the Minister for his very generous offer—

Chris Philp: Of James's time.

Conor McGinn: His colleague's time, I note, but I think this is something we can work on together. My colleague, the shadow Home Secretary, has written to the Home Secretary on this matter, so while awaiting a response to that, which hopefully we will receive before Report, I will not push the new clause to a vote on this occasion.

We have approached all these amendments in the spirit of wanting to work together with the Government. As the Minister rightly says, while we are focusing here on how we can improve things, that should not for a minute be taken as an indication that we have anything other than incredible gratitude for the work that has been done to prevent what could have been many more catastrophic and devastating attacks. In that spirit, I beg to ask leave to withdraw the clause.

Clause, by leave, withdrawn.

New Clause 9

ASSESSMENT OF THE MENTAL HEALTH OF INDIVIDUALS SERVING A SENTENCE AFFECTED BY THIS ACT

"(1) Where an individual is serving a sentence affected by this Act, they must be subject to an annual assessment of their mental health for the duration of their sentence and their term on licence.

(2) Where an assessment under subsection (1) indicates—

(a) a mental health condition; or

(b) a deterioration in a mental health condition since the previous assessment

the Secretary of State must take measures to treat such a mental health condition."

Brought up, and read the First time.

Alex Cunningham: I beg to move, That the clause be read a Second time.

New clause 9 would require a mental health assessment of an individual who has committed a terror offence to be carried out annually for the duration of their sentence and their term on licence. It would also require that where a mental health condition is found, or where there has been a deterioration of a mental health condition since the previous assessment, the Secretary of State must take measures to treat the mental health condition.

I am not a mental health professional and I do not claim to understand the psychology behind why somebody commits or plans to commit an act of terrorism, but it strikes me as eminently sensible to carry out regular mental health assessments of those who have committed an offence under the Bill, not because there is any correlation between having a mental health condition and committing acts of terrorism, but because mental health conditions can turn people into who they are not. By treating mental health conditions, we can provide support and reduce the chance of further criminal acts being carried out when a prisoner is released.

This is not just about preventing terrorism; it is about how we treat each other as people. It is common for people to wander down the wrong path. Of course, some paths are much more dangerous than others and it is right that people are appropriately sentenced for their crimes, but I can only imagine what it is like to be in prison for years on end. A few hours in my local Holme House Prison in Stockton is certainly enough for me. I cannot fathom what impact being in prison for

a long sentence has on an individual's mental health year after year, and time spent in prison without receiving treatment can make an existing mental health condition much worse. The individual released into society after their prison sentence has been served is left to struggle with their mental health condition. It is a recipe for disaster, but we can take simple precautions to address the problem.

Prisons and the Government have a duty of care for the physical and mental wellbeing of people in our prisons, and they should stay on top of any identified mental health conditions in order to best support offenders in their rehabilitation, so that they can make the most of deradicalisation programmes and rejoin society without any mental health illnesses blocking their way. That way, we can ensure that we have covered all the bases, that we are providing what should be basic necessities, such as mental health treatment, and that we are helping people on their way to becoming citizens who can contribute positively to society.

I recognise that mental health services in this country need much more resources, and they are often inadequate for people in the general population. That is another task for the Government: to establish high-quality mental health services for all. The new clause could take the pressure off community health services in the longer term by ensuring that people convicted of terrorist charges are as healthy as they can be when they return to society. I look forward to hearing what the Minister has to say.

Chris Philp: Let me again thank the shadow Minister for raising a very important point. We know mental health can often contribute to, or perhaps even cause, significant portions of offending, including some elements of terrorist offending—not all terrorist offending, but certainly some. It is certainly an important area that we need to be very conscious of.

It is already a fundamental aspect of the health and justice system that we have processes in place to identify, assess and then treat offenders with a wide range of mental health needs, both in custody and throughout the criminal justice process. The intervention that the shadow Minister calls for is already inherent in the way the system operates. The NHS long-term plan already stipulates that all prisoners, not just terrorist prisoners, receive an early reception screening and an assessment within the first 24 hours of entry into the prison system, followed by a second screening within seven days. Decisions about whether to provide mental health treatment are made on the basis of identified clinical need. The mental health teams that work in this area have clear clinical pathways describing such referrals. Prisoners in custody, but also those out on licence, are monitored for mental health issues. Where mental health problems are identified, they are referred and treated, including if there is a change in their condition—a deterioration, as the new clause describes it.

Regarding the capacity to provide treatment, I am sure that as constituency MPs we are all aware of the importance of building mental health treatment capacity. I was pleased that over the past year or two, recent announcements in relation to NHS funding have included a lot more funding for mental health treatment facilities in the NHS, which will treat prisoners as much as they will treat people who are not in custody. The spirit of the new clause is an entirely reasonable one, but it is already inherent in how the system operates that people are medically screened and monitored, with appropriate treatment following, as it should. I acknowledge the importance of identifying and treating mental health conditions in all offender cohorts, including terrorist offenders.

Alex Cunningham: I am grateful to the Minister for his helpful response, but if mental health services in prisons reflect mental health services in wider society, I am worried, because we know how inadequate mental health services across our country currently are. That is something to which the Government need to give extra attention. The Minister has talked about extra investment in mental health, which is welcome; however, even though I will withdraw the new clause, I suggest that at some time in the future he comes to the House and talks about some of the issues around mental health in prisons, so we can gain a greater understanding of what is and is not happening. I beg to ask leave to withdraw the clause.

Clause, by leave, withdrawn.

New Clause 10

Review of legislation: National Probation Service

"(1) Within 18 months of enactment, the Secretary of State must commission a review and publish a report on the impact of the provisions in the Act on the National Probation Service.

(2) A review under subsection (1) must consider—

(a) the probation support provided to offenders convicted for terrorist offences;

(b) how probation support provided to offenders convicted for terrorist offences has varied since implementation of this Act;

(c) the—

(i) type; and

(ii) number

of specialist staff employed by the National Probation Service to work with terrorist offenders;

(d) the—

(i) training;

(ii) assessed skill level; and

(iii) assessed experience

of specialist staff employed by the National Probation Service to work with terrorist offenders;

(e) the turnover of probation staff;

(f) the average length of service of probation staff;

(g) the non-staff resources provided to manage offenders convicted for terrorist offences; and

(h) the adequacy of the operating budget of the National Probation Service.

(3) A report under subsection (1) may make recommendations to improve the probation support to terrorist offenders.

(4) Where a report has made recommendations under subsection (4), the Secretary of State shall respond within 2 months.

(5) The Secretary of State must lay a copy of the report under subsection (1) before Parliament.

(6) A Minister of the Crown must, not later than 3 months after the report has been laid before Parliament, make a motion in the House of Commons in relation to the report."—*(Alex Cunningham.)*

Brought up, and read the First time.

Alex Cunningham: I beg to move, That the clause be read a Second time.

I would be doing a disservice to the many probation officers and others working in the service if I did not raise the issue of what has happened to our probation service in recent times. I am personally delighted that probation is no longer out there with a load of private organisations, but has been brought back in house. I hope that the necessary improvements will take place so we can deliver an effective probation service in future.

New clause 10 would require the Secretary of State to commission and publish a report on the impact of the Bill's provisions on the National Probation Service, its support for terrorist offenders and various specialist staffing and resource matters, and to respond within two months to any recommendations made in the report.

The work of the probation service is to assess and monitor risk, but it is also to provide support while trying to change an individual's mindset so that they have a second chance, are less likely to reoffend, and can take up a positive role in society. It is true that terror offences can pose problems in this area: many individuals convicted of such offences are motivated by strong political views and actively do not want to change. This is one of the reasons why it is appropriate to have specialism within the probation service. At the same time, it is important to not lose sight of the rehabilitative purposes of probation, even if those sometimes have to be secondary to the risk management purpose.

Let us remember that there are particular issues that affect the rehabilitation of terror licensees, even if they are strongly engaged with desistance. Those include rejection by family and community, a sense of hopelessness and that they will never be trusted again, and fear on the part of educational and volunteer organisations and employers. Community-led organisations that do not focus exclusively on terror licensees sometimes have the best chance of getting honest and sustained engagement from that challenging group. If no one is ever speaking to those people in such a way that their barriers come down, how are we actually going to know what is going on? How are we going to know what interventions are needed to stop reoffending?

Very long licence periods such as those proposed in the Bill are, in practice, very similar to life or other indeterminate sentences, and have the same consequences for probation staff and for the rehabilitation prospects of licensees. They increase workloads for highly specialist and rare probation staff and can make rehabilitation and risk assessment more difficult by reducing the incentives to engage and co-operate. Specialist probation officers are thinly spread and consequently hold very high case loads of terror-related cases—more than 120% the normal rate. That level is appallingly high and the Government recognise that it needs to come down.

Research shows that more time spent with offenders is essential for proper assessment and rehabilitation, but that is not possible with such high case loads. More time requires more money. I have already addressed the need for financial reports on the impact of the Bill in new clause 3. The very long licence cases, such as lifers and those with indeterminate sentences, are a special challenge for probation staff because they never really come off their case loads, even as more new cases are constantly added.

On Second Reading, the Secretary of State referenced doubling the size of the probation terrorism unit. However, as I said earlier today, it is not clear exactly what difference that will make to the service's capacity, given that the provisions in the Bill will change demand in ways that are hard to predict. It is not even clear what he meant by doubling the unit. I hope the Minister will tell us a little more. I invite him yet again to tell us what that means, what the Government are going to do and when that is going to happen.

Longer licences will significantly increase demand on the probation service, while ending some early releases could help to spread the resource. The general issue with increasing the number of probation specialists is that they can only be recruited from experienced staff. In recent years, the service has been hollowed out and huge amounts of experience lost. Lots of generalist roles will need to be backfilled with newly qualified staff before the more experienced staff can move into specialist roles.

I have a host of questions for the Minister this afternoon. What modelling has the Department done of the expected net effect of the changes the Bill makes on the total probation case load in the years and decades to come? How many new staff will be required to join the terrorism unit to manage the increasing case loads? That will have to be factored into the current recruitment drive. Have the Government assessed the extent of overtime and emergency working that may be needed in the terrorism-related probation unit until sufficient numbers of trained staff are available? Have Ministers considered the consequences for standards of monitoring and for staff welfare and retention? Will the Government commit to reducing the case load of specialist probation officers, not just in line with other probation staff, but by significantly more in recognition of currently higher case loads and the difficulty of those cases? Will they set up a strategy and targets to achieve that?

As there is with other counter-terror work, there can be a lot of secrecy around the work of counter-terror probation staff. Our professional officers do their best in the most difficult of circumstances and often go beyond what can reasonably be expected of them, yet mainstream probation staff often have little knowledge or confidence in their ability, for example, to recognise the early signs of extremism. It may turn out that some recent incidents have occurred despite contact with non-specialist probation staff. Not every probation staffer can be a specialist, so there may be a need for some amount of counter-terror training for all, so that signs can be spotted even where no terrorist link or offence has been identified in the past. Will there be counter-terror training for all probation officers? The growth in far-right extremism may mean that we need more people to be able to spot that early on. Have the Government considered establishing counter-terror as a more formal and funded specialism in probation, like integrated offender management?

We have already talked about the impact of the Bill's removal of early release and the fact that that might lead to lower engagement with rehabilitation and deradicalisation programmes. That would make the task of probation staff even harder. The National Probation Service needs some serious attention from the Government, but I hope that, having brought the service back totally in-house now, we will see those improvements in future.

Without an effective and fully funded service, the intentions behind the Bill fall to pieces. That is why we have tabled the new clause requiring the Government to review the impact of the Bill on the National Probation Service. We cannot simply increase the responsibility and case load and consider the matter closed, because if there are more than the estimated 50 new prisoners, we will have other things to consider. There will be the longer sentences and longer licences as well, all creating more work, but without the resource to back it up. Let us be clear: effective probation working is essential to monitor the risks that offenders on licence pose; it is no less essential than counter-terror policing or intelligence work, yet the probation service is again under-resourced at a much lower level, and is paid far less attention than some other services.

I have asked the Minister a wide range of questions and I look forward to his detailed responses. Ultimately we need him to tell us exactly what action his Government will take to sort out the issues raised and ensure that the National Probation Service can get on with its day-to-day role, before we turn to the particular issues raised by the Bill.

Chris Philp: Clearly, the probation service is important and I pay tribute to the thousands of men and women who work in that service helping to rehabilitate offenders, and by so doing keep the public safe. Several questions have arisen, some of which would probably be better directed at the Prisons and Probation Minister, but I will attempt to answer some of them to give the shadow Minister a flavour of what is going on.

First, in terms of overall resourcing levels, the spending review last September laid out a significantly increased funding package for the Prison and Probation Service, which is, as we speak, flowing to the frontline. Another spending review is coming this autumn, and the hon. Gentleman will no doubt study that carefully to see what is in it for the Prison and Probation Service, and indeed the Courts and Tribunals Service, but the spending review last September was good news for the probation service in terms of financial support.

The shadow Minister also referred to community rehabilitation companies coming in house. The restoration of a comprehensive National Probation Service run directly by the Ministry of Justice is something that I suspect everybody involved in the criminal justice system will welcome, and it will provide an opportunity to do a lot more with the offender cohorts that the hon. Gentleman referred to in his speech.

Earlier this year—I think it was in January—a host of announcements were made in relation to counter-terrorism, one component of which was the extra £90 million for counter-terrorism police. It was also announced that we would double the number of specialist probation officers who focus on terrorist prisoners. We will also be creating the new counter-terrorism assessment and intervention centre that I talked about a little earlier. I am not sure whether all prison and probation staff will have counter-terrorism training. I will have to let the hon. Gentleman know, but given that only 200 or so prisoners out of a population of approximately 80,000 are in for terrorist offences, he can draw his own conclusions about the numbers. However, I will check with my colleague, the Prisons and Probation Minister, and come back to him on that specific point.

In relation to the new clause itself and the desire for a review of the probation service, once again there are already good mechanisms in place to review the probation service. I point in particular to Her Majesty's inspectorate of probation, whose duty it is to conduct on an ongoing basis—not just after 18 months, but the whole time—precisely the kind of review that the new clause calls for. I hope that the hon. Gentleman is content to rely on the excellent work that Her Majesty's inspectorate of probation does in conducting the analysis that he calls for in his new clause.

Alex Cunningham: I very much welcome the increased resources that the Minister says are flowing into the frontline, but everything that we have heard from him today suggests that that is a work in progress. We do not yet know how many new probation officers are being trained; we do not know when the new centre to which he alluded will open; and we do not know how we will end up with more than one facility to accommodate terrorist offenders in future.

I hope that the Minister will consider writing to members of the Committee to tell us exactly where we have got to with all the new investment and where the money is being spent; how many probation officers we had before the funding was made available and how many we have now; and what the timeline is to complete the doubling of the resource in the service. Similarly, I would like to understand when the new facilities will actually be available, because if we are going to accommodate people in prison for a longer time, we must ensure that there are appropriate centres.

I see no sense in pressing the new clause to a vote. As the Minister said, people out there are working extremely hard and we pay tribute to them, but we must always be mindful that, due to the lack of resource, the probation service is not operating in the way that professional officers would like. I hope that the Minister's confidence in the new resource package will bear the fruit that we all want to see. I beg to ask leave to withdraw the clause.

Clause, by leave, withdrawn.

New Clause 11

Review of legislation: Effectiveness of inter-agency cooperation

'(1) The Secretary of State must commission a review and publish a report on the effectiveness of agencies working to manage an individual who is serving a sentence affected by this Act.

(2) A review under subsection (1) must consider—

(a) the effectiveness of the transition when an individual who is serving a sentence affected by this Act is transferred from the responsibility of one agency to another;

(b) the procedural safeguards that are put in place to ensure an effective transition; and

(c) the processing and transfer of information and intelligence from one agency to another.

(3) For the purposes of this section "agencies" includes but is not limited to—

(a) police;

(b) the prison system;

(c) intelligence services;

(d) probation services;

(e) mental health services;

(f) local authorities; and

(g) housing providers.

(4) The Secretary of State must lay a copy of the report before Parliament.

(5) A Minister of the Crown must, not later than 3 months after the report has been laid before Parliament, make a motion in the House of Commons in relation to the report.'—*(Alex Cunningham.)*

Brought up, and read the First time.

The Chair: I call Joanna Cherry.

Joanna Cherry: It is not my new clause, Chair.

The Chair: Well, this is what happens when you follow someone else's damned notes. It does not say his name here, but who I am to argue? I call Alex Cunningham.

Alex Cunningham: I beg to move, That the clause be read a Second time.

If the hon. Lady would like to deliver my speech, I would be quite happy to sit down and shut up. I think she suggested earlier that I was talking a bit too much.

Joanna Cherry: Never!

Alex Cunningham: Oh, never? Well that is fine. Maybe it is because we share the same accent and she feels at home when she hears me speak, although I think there is a certain anglification in my accent these days.

Joanna Cherry: Certainly not!

Alex Cunningham: I am very relieved to hear that, and I am sure that, as a fellow Scot, you will also appreciate it, Mr McCabe.

The new clause would require the Secretary of State to commission a review and publish a report on the effectiveness of the agencies working to manage offenders who have committed offences under the provisions in the Bill. I know how fond the Minister is of my reviews, and this one would consider the effectiveness of the transition when an offender is transferred from the responsibility of one agency to that of another; the procedural safeguards that are in place to ensure an effective transition; and the processing and transfer of information and intelligence from one agency to another.

Tackling and responding to crime is not and cannot be the responsibility of a sole agency. The police do not arrest, convict, sentence, look after, monitor and assess people, and nor should they. Different agencies with different responsibilities working together are a key part of our checks and balances. By not giving anyone so much responsibility that they cannot fulfil their obligations, we ensure that they can perform their role in the system to a high standard. To ensure that there is a seamless transition from one agency to another, and that organisations are fully aware of their responsibilities, there needs to be effective communication.

The purpose of the new clause is to find out how agencies communicate with each other and how effective those methods are. We would like to know if there are communication issues between the agencies; we have already seen the horrific consequence of communication breakdown, when crucial information is not properly shared. We also need to find out what problems the Secretary of State can act on to rectify. We cannot afford to get this wrong. If there are failures in communication, it can fail the whole process—the justice system itself fails.

4.30 pm

I would appreciate it if the Minister were to go on the record now about inter-agency communication and co-operation for the purposes of this Bill. Will he work with the Secretary of State to commission a report into the effectiveness of the procedures for agencies working with offenders? It is not a simple case of going from the police to the courts to prison; there is a whole range of other factors to consider. For example, when a person leaves prison, they will need somewhere to live in order to get back on their feet, and we all know that the cohort covered by the Bill will have substantially greater barriers to overcome than many others. That will require work with other agencies, such as local authorities and housing providers, and doubtless those running specialist accommodation.

However, more important is the understanding of where the offender is with their lives—such as whether they are still a risk to society, despite being on licence—so all agencies will need to know a certain level of detail about the offender. We cannot afford for that detail to be incorrect or missing. There needs to be seamless communication, and we need to know how effective current procedures are for this. I look forward to the Minister's response.

Chris Philp: I sense a certain appetite for brevity, so I will endeavour to achieve that in my response. I entirely agree with the points about the importance of inter-agency working. Many different agencies will encounter offenders or potential offenders at different times, and it is of course critical that they work together.

For that very reason, following the terrible attacks at the end of last year, the Government commissioned Jonathan Hall QC, the Independent Reviewer of Terrorism Legislation, to carry out a review of the effectiveness of multi-agency public protection arrangements—exactly the kind of cross-agency working to which the shadow Minister refers. I believe that report is now with my colleagues, who are carefully considering its findings. We will publish the report, which is on exactly the topic that the shadow Minister wants us to review, at the earliest opportunity, so this may be an area where the shadow Minister not only gets a report but gets it perhaps earlier that he would otherwise have expected, which is a nice note to end on.

The shadow Minister is quite right that cross-agency working is important. We intend to make sure that it happens in the effective way that it should, and Jonathan Hall's report will be an important part of that.

Alex Cunningham: Success at last. I can leave the Committee Room a happy man. I will not press the new clause to a vote, but it is important. Communications are central. Across all public services, we see a lack of communication leading to all manner of horrors in our society—children dying, terrorists recommitting offences;

all manner of things happen because the communication is not right. It is clear that the Minister understands the importance of this. I look forward to Jonathan Hall's report; I am sure that it will be good bedtime reading. I beg to ask leave to withdraw the clause.

Clause, by leave, withdrawn.

Question proposed, That the Chair do report the Bill, as amended, to the House.

Chris Philp: On a point of order, Mr McCabe. Before you conclude the final sentence of this Committee proceeding, I shall quickly take this opportunity to thank all Committee members for their service over the last few weeks in considering this incredibly important Bill, which touches on the safety and security of our constituents. Nothing more powerfully illustrated that than the very moving speech given earlier by my hon. Friend the Member for Hertford and Stortford on the experience of her friend Louise, which I think all of us will vividly remember. It reminds us how important the work we are doing here is.

I believe that, with this Bill, we are taking a significant step forward, largely in a spirit of cross-party co-operation from all corners of the House, as it should be for something as important as national security and the safety of our constituents. Of course, we have our differences elsewhere, but on this topic we seem to be mostly on the same page, which is extremely welcome.

I thank everyone who has supported this process. I thank the Whips on both sides for getting us through the Bill a little earlier than expected, which is welcome. I thank Mr McCabe and Mr Robertson for chairing the Committee proceedings with such aplomb, and for correcting the shadow Ministers and me when we occasionally erred from the path we were supposed to be following.

I thank the witnesses who took the time to give us evidence earlier in the proceedings. It was genuinely useful, and the fact that we spent a lot of time in our earlier debates dissecting that evidence shows just how illuminating it was. I do not think any of us will forget Professor Grubin, but I certainly will not be volunteering to hook myself up to any of his machines in a hurry.

Julie Marson (Hertford and Stortford) (Con): Oh, go on.

Chris Philp: Do not tempt me.

Finally, I thank the phenomenal public servants who have supported the preparation of the Bill and the wider work that goes on, in particular members of my private office—I can see Andrew sitting over there—and all the people working in the policy, legal and financial teams at the Ministry of Justice. They are incredible civil servants who have been working so hard to put this Bill together, including working over the weekend to respond to the various amendments that arrived on Friday. A huge thank you to everyone in the Ministry of Justice and the Home Office for the work they have done on this Bill.

It is appropriate to conclude by thanking those people on the frontline in the constant struggle to keep us and our fellow citizens safe—the police, the Prison Service, the probation service and the security service. Our thanks is due to them most of all. On a daily basis, they put themselves in harm's way, to keep us safe. I put on record my gratitude to those outstanding public servants.

Alex Cunningham: Further to that point of order, Mr McCabe. I would like to reflect what the Minister has said and, first and foremost, thank you and Mr Robertson for conducting our proceedings professionally and getting us through the business quickly.

I also specifically thank the Clerks to the Committee. They understand the things that I am trying to say and they can put them into the jargon that is required to appear on the amendment paper. I am very appreciative of that. I have come to the realisation that they understand more about what I am trying to get across than I do myself.

I thank Committee colleagues for some robust debate and a few corrections along the way. I thank the staff who had to work over the weekend. I pass on my thanks to them and I am sorry if I was the cause of all that additional work. At least we had reasonable responses from the Minister, and I welcome that. With that, I will simply sit down.

Joanna Cherry: Further to that point of order, Mr McCabe. I will not detain people for long, other than to add my words of thanks to those that have been given already. I would particularly like to thank the Clerks to the Committee for their assistance in framing amendments. I thank the Whips for the assistance that they have given me and a third party in relation to this.

I acknowledge the powerful and moving speech we heard earlier. When I woke up this morning, the first thing I remembered was that that event was 15 years ago, but the way in which we were reminded of that as a Committee was particularly powerful and very personal. I thank the hon. Member for Hertford and Stortford for that.

Question put and agreed to.

Bill, as amended, accordingly to be reported.

4.39 pm

Committee rose.

Written evidence reported to the House

CTSB 11 Northern Ireland Human Rights Commission