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**HOUSE OF COMMONS  
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**PARLIAMENTARY  
DEBATES**

**(HANSARD)**

**Friday 25 September 2020**

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# House of Commons

*Friday 25 September 2020*

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

## PRAYERS

[MR SPEAKER *in the Chair*]

### Point of Order

9.34 am

**The Minister for Crime and Policing (Kit Malthouse):** On a point of order, Mr Speaker. I want to bring the House's attention to the fact that a police officer was sadly shot and killed overnight in Croydon. The details are still emerging, but the Home Secretary has spoken to the Commissioner of the Metropolitan police and offered the help and support of the Home Office as the force comforts family, friends and colleagues and investigates this crime. We ask our police officers to do an extraordinary job. The fact that one of them has fallen in the line of duty is a tragedy for the entire nation. I know that the entire House will offer their condolences to his family, friends and colleagues. May he rest in peace, and may justice follow this heinous crime.

**Mr Speaker:** I thank the Minister for that point of order. It is shocking news. This should never happen to the people who protect us to make us safe. All our thoughts and prayers are with the family and friends and the police community.

**John Lamont** (Berwickshire, Roxburgh and Selkirk) (Con): I beg to move, That the House sit in private.

*Question put forthwith (Standing Order No. 163), and negatived.*

## Forensic Science Regulator and Biometrics Strategy Bill

*Second Reading*

9.35 am

**Darren Jones** (Bristol North West) (Lab): I beg to move, That the Bill be now read a Second time.

Further to the Minister's point of order, I am sure I speak for the whole House when I express our condolences following the tragic death of a police officer in Croydon overnight. For most of us, it is impossible to comprehend what the officer's family, friends and colleagues must be going through this morning, and the thoughts and prayers of everyone in the House are with them.

Like other Members who have had the strange fortune of winning a parliamentary raffle for private Members' Bills, I spent the first weeks of this strange year being inundated with submissions making the case for the noblest crusades and the worthiest causes, as well as some of the strangest. I realise that, at first blush, the minimal changes proposed in this Bill may seem a little arcane or marginal, but my purpose today—to give the Forensic Science Regulator the statutory powers necessary to do its job—is, in reality, an urgent and necessary one for the functioning of our criminal justice system.

Access to high-quality forensics is vital so that victims and defendants get the justice they deserve, prosecutions are successful and our system commands and justifies the public's confidence. Poor-quality forensics, as noted by the regulator, has without doubt led to the failed prosecution of criminals and a failure to secure justice for victims. As it stands, the market for providing forensic services is flawed, with grinding delays, gaps in capacity and skills and a lack of real competitiveness. The first step in fixing it is to enable the regulator to enforce effective standards, which I hope the House will support me in doing today. It will not take a forensic scientist to note that the title of my Bill also anticipates action on the biometrics strategy, which is no less essential but will have to wait for another time, and I will speak more about that later in my speech.

The profusion of acronyms that, of necessity, opens the Forensic Science Regulator's annual report gives some sense of the range of scientific disciplines and expert processes on which our justice system must rely. It incorporates not only crime scene investigation but digital forensics, drugs and toxicology analysis, firearms and ballistics, the comparison of tool marks and footprints, as well as DNA and fingerprints. For even the most established forensic practices, the maintenance of high standards is vital to the course of justice, but rapid advances in technology continue to reshape the tools with which forensic scientists can collect, store and analyse evidence and data, as well as the nature and complexity of the crimes they are working to combat. We therefore rely on experts to do that work for us and to present it in a way that is intelligible, accurate and reliable. As the regulator's report observed last year:

“Courts should not have to judge whether this expert or that expert is ‘better’, but rather there should be a clear explanation of the scientific basis and data from which conclusions are drawn, and any relevant limitations. All forensic science must be conducted by competent forensic scientists, according to scientifically valid methods and be transparently reported, making very clear the limits of knowledge and/or methodology.”

Isolated slip-ups in the science threaten to imprison the innocent and exonerate the guilty. The potential for ubiquitous failings—made more likely by shortfalls in skills, expertise and funding—risks not only isolated miscarriages of justice but the integrity of the entire system. The stakes, therefore, are uniquely high. Plainly in such a world we should expect robust, mandatory and enforceable quality standards for the providers of forensic science, matched with an oversight regime with the independence, the teeth and the resources to do its job.

That insight is what inspired the creation of the office of the Forensic Science Regulator in 2007-08. It was tasked with enumerating those standards, ensuring the quality of providers and processes, assessing the soundness of the scientific techniques being used, and monitoring the competence of the individuals carrying them out.

In its inaugural mission, the Forensic Science Regulator was tasked to

“influence the strategic management of UK forensic science to place quality standards at the heart of strategic planning”.

That, among other issues, formed the seeds of the regulator's present shortcomings. It can encourage police forces and their providers to seek accreditation, but it cannot compel compliance. It can establish assessments

[Darren Jones]

but not enforce their results. It can advise the Government of the day, but it does not wield any power on the market.

Virtually since its creation, therefore, the office and the voluntary model of regulation centred on it have been visibly short of the teeth they need. It is operationally independent, but unable to compel the change that is required.

**Richard Fuller** (North East Bedfordshire) (Con): It is a pleasure to serve with the hon. Gentleman on the Business, Energy and Industrial Strategy Committee, which he chairs. I am interested in his observations about the non-statutory powers since 2007-08. To what extent does he have evidence that the absence of statutory powers has had an impact on particular cases? That may be something he wants to speak about in more detail.

**Darren Jones:** I share the hon. Gentleman's delight at serving together on the Business, Energy and Industrial Strategy Committee. The evidence speaks for itself, to stretch a metaphor when we are talking about evidence. The Science and Technology Committees in the House of Commons and the House of Lords, as well as the Government's own reviews and the Forensic Science Regulator's annual reports, have all pretty much concluded the same thing: where standards cannot be enforced by providers and the validity of the forensic process is brought into question in prosecution, miscarriages of justice will have followed. The forensics regulator has been pretty bold in making that case in her annual report to Parliament. That is why, I am pleased to say, there has been broad consensus on the measures brought forward in the Bill to ensure that she can enforce the standards for more providers of forensic services.

That is why successive Governments have been notionally committed to putting the regulator on a statutory footing for nearly eight years. Many right hon. and hon. Members have called for this for a long time. That is what underpinned the conclusions of the reports from the Science and Technology Committees in this House and the other place that I mentioned to the hon. Member for North East Bedfordshire (Richard Fuller).

Last year the Science and Technology Committee, of which I was a member, concluded in its inquiry on this issue that

“the Regulator—now more than ever—needs statutory powers.”

A couple of months earlier, the House of Lords Science and Technology Committee had said:

“It is hard to understand why...the Forensic Science Regulator still lacks powers they need... The Forensic Science industry is in trouble; such action is now urgent.”

The regulator herself said in the report:

“Legislation is urgently required to give the...statutory enforcement powers”

needed to do the job properly.

I therefore appreciate the Government's willingness to co-operate in seeking to carry the Bill, and the support of the Minister and his officials in producing the Bill and the explanatory notes, and in helping to secure the Bill's passage through the House today. It is

especially important that the Bill does pass today, because the availability of these services on time and to reliable standards is often patchy.

When the then Government announced the wholesale closure of the loss-making Forensic Science Service in November 2010, the Science and Technology Committee warned that they had failed to give

“enough consideration to the impact on forensic science research and development (R&D), the capacity of private providers to absorb the FSS's 60% market share and the wider implications for the criminal justice system.”

That warning has proved prescient. Today, many scientific processes are conducted in-house by police forces, but this is piecemeal in its extent.

**Kevin Hollinrake** (Thirsk and Malton) (Con): I congratulate the hon. Gentleman on bringing forward the Bill, which I understand has a fair chance of success. Clause 6(4) allows the regulator to prohibit a person from carrying out forensic science activities. Where that person is employed in-house at a police force, as he describes it, what would happen to the employment status of that individual?

**Darren Jones:** I think that is an important enforcement question. Of course, this has been one of the bedrocks of the voluntary model: where services are provided that do not meet the accredited standard, either by a private provider or in-house by a police force, that has just been able to continue. How a police force dealt with an in-house service that did not reach the accredited standard would be an issue for that police force, but I suggest that it might either bring its service up to the accredited standard or have confidence in the private sector market to find a provider that met that standard, which would be enforced by the regulator. I have every confidence that every police force across the country wishes to do this in the right way; there has been a huge amount of pressure on them to do so previously.

**Kevin Hollinrake:** The hon. Gentleman makes a good point, and I do not object to the clause. I welcome the fact that, unlike under most regulators, individuals will be held to account, not just the organisation. My question is: where an individual who is employed by a police force is held to account, might disciplinary proceedings be taken against that individual, for example?

**Darren Jones:** It is not for me to conclude on that issue in debate on a private Member's Bill. My personal view, for what it is worth and to entertain the hon. Member's intervention, is that one would not want an employee to be dismissed as a consequence, but they might receive further training to meet the accredited standard and be able to continue their duties. However, as I say, it is not for me to judge an employment issue in such a setting.

As a consequence of some of the points that the hon. Member raises, individual services are often outsourced by police forces, but a lack of clear incentives for providers to seek accreditation, given the overriding need to compete on price, has created a vacuum of accountability. Last year's House of Lords Science and Technology Committee report set out the situation. Their lordships concluded:

“Simultaneous budget cuts and reorganisation, together with exponential growth in the need for new services such as digital evidence, have put forensic science providers under extreme pressure. The result is a forensic science market which is becoming dysfunctional and which, unless it is properly regulated, will soon suffer the shocks of major forensic science providers going out of business and putting justice in jeopardy... This is not just a budget issue: structural and regulatory muddle exacerbates the malaise. There is no consistency in the way in which the 43 Police Authorities commission forensic services. Some Police Authorities have taken forensic investigation predominantly in-house whilst outsourcing some services to unregulated providers. These actions call into question equitable access for defendants and raise issues over the quality of the analysis undertaken and the evaluation of the evidence presented.”

Their lordships therefore recommended that

“the Forensic Science Regulator should urgently be given a number of statutory powers to bolster trust in the quality of forensic science provision.” This is a multi-layered challenge that defies simple political or partisan characterisation, but the enduring message is that consistent standards, consistently applied, must be foundational to the effective provision of a forensic service across the whole country. Although forensic evidence is generally of good quality, the consequences of a market that is failing to perform that function to measurable standards are, of course, serious, specific and widespread.

The Home Office commissioned a joint review of the provision of forensic science, which identified a growing perception about the risk of unsafe forensic evidence and demonstrated the twofold impact of an inadequate enforcement regime. Some judges, the report noted,

“were not specifically aware of accreditation requirements or”

the Forensic Science Regulator’s codes of practice, and defence lawyers expressed concern that

“perceived compromises regarding quality standards meant that challenges to the integrity of forensic evidence presented in court could soon become routine.”

I think that it is of value for us to pause and reflect on that submission to the Government’s review. Defence lawyers had a concern that the forensic science process itself was being used as a mechanism to provide arguments in prosecution cases. Of course, the service itself should not be the basis for such submissions.

**Richard Fuller:** Frequently, regulators fall back on a requirement for statutory enforcement powers, citing that they are not in a position to be effective with the powers that have been given to them, whereas the issue could be that the regulators are not effective in using the powers that they already have. I admit that that is more usual in the economic sphere and there may be particular issues in the legal sphere, but in his research in preparing the Bill, has the hon. Gentleman reached any conclusions about how well the existing powers are being used versus the requirement for statutory underpinning?

**Darren Jones:** Yes, and the repeated conclusion, not just from the regulator but the other officials and bodies I have mentioned, is that the powers that the regulator has been given for some time—since 2007-08, when the office was created—are not sufficient to bring providers up to the accredited standard. There has been strong messaging, encouragement and co-ordination to try to bring providers up to the accredited standard voluntarily, but that has still not happened. After many years of trying, the regulator and others have concluded that statutory enforcement powers are required. On the evidence, that seems a reasonable request.

**Sir Christopher Chope (Christchurch) (Con):** Following up on that point, is it right that the regulator already has problems with codes of practice and conduct? The annual report refers to the fact that there has been a delay in publishing issue 5 of those codes but that it would be published in early 2020. Has it now been published? Why are those non-statutory codes not sufficient?

**Darren Jones:** The regulator has been able to introduce codes of practice, but where they have not been followed, she has not been able to enforce them, which is one of the main issues today. As I understand it, the codes of practice are published in co-ordination with the Home Office, so perhaps the Minister can give an update on the outstanding codes that the hon. Gentleman mentions.

The market’s dependence on large or specialised service providers is not an abstract concern. We know that the resulting fragility, which already existed because of a lack of competition in the market, has had damaging effects on people in the criminal justice system. The collapse of key forensic services in 2018 is a case in point. To manage the fall-out from that collapse, police forces contracted other commercial providers to take on the resulting workload, creating system-wide capacity constraints. The appalling consequences that the Forensic Sciences Regulator laid out show that some cases, where forensic science may have provided valuable information or evidence, could not be processed. In addition, there was evidence of an increased error rate during this period, as well as an unsustainable strain on staff working overtime.

I am sure that all hon. Members agree that that is an unacceptable position for part of the criminal justice system to be in and that we should do our best to try to fix it. At the risk of straying a little beyond the immediate scope of the Bill, I urge Ministers to recognise the systemic issues that such cases highlight. Giving the regulator statutory powers will raise standards but cannot by itself mend a broken market. In the medium-term, the only way to get forensics right is through sustained investment in people, processes and skills.

I am sure that other hon. Members will have examples on which to draw, but the way in which violent sexual crimes are prosecuted makes an especially clear case for why statutory powers are so important. Such crimes, which are subject to unique challenges in obtaining convictions, often rely on DNA evidence as the critical element of a prosecution case. It is therefore vital that the possibility of contamination, for example, at sexual assault referral centres, is minimised as far as possible, yet the regulator’s 2016 annual report highlighted instances of DNA swabs being contaminated through unrelated case handling of different victims on the same day. Clearly, that is unacceptable.

Ensuring adherence to the regulator’s quality standards is a basic precaution, as victims and the general public rightly expect. However, the cost of testing to achieve compliance has meant that the commissioners of affected centres are unlikely to co-operate unless the regulator is empowered to require that. That inadequate incentive structure gets to the heart of why the current soft regulatory model is so weak for existing markets. The regulator’s highest aspiration is to create a competitive climate, in which underperforming or corner-cutting suppliers are unable to acquire contracts.

**Chris Green** (Bolton West) (Con): Will the hon. Gentleman also consider a problem in the digital sphere if there is no effective market for delivering services digitally? If victims of the worst crimes have their smartphone, which is so critical to many people's lives, taken from them and it takes a long time for it to be returned, that will add to and compound that individual's distress.

**Darren Jones:** I could not agree more with the hon. Gentleman. I am pleased to see him in the Chamber today, given his previous valiant efforts to try to secure a similar outcome in the previous Parliament. He makes an important point in respect of digital forensics, which, we know from the evidence reported to us in the House, has been in increasing demand, given the nature and complexity of modern crimes. There also seems to be a lack of expertise, skills and capacity to deal with that. There have been incidences reported in the media where victims have, for example, had all their data on their mobile phones downloaded at the point at which they have reported a crime. There are pretty significant questions about whether that is the right balance and approach: what the framework is around that, what happens with all that data going forward and whether that is the right approach to take. That, of course, comes to the questions around accredited standards for digital forensics.

With the market dominated by a few large players, and niche processes or specialised capabilities often, in practice, offered by a single small provider, the cost of achieving and retaining certification is frequently seen as a greater impediment to competitiveness than the ability to demonstrate the quality of their work. With the majority of affected forensic work conducted in-house, the absence of statutory regulation has meant that police forces themselves have come to the view that accreditation is a low priority for time and investment. Statutory regulation would therefore enable a path to competition on the basis of quality and encourage new providers to enter the market. Police authorities would not only be more accountable for the procurement decisions they make but better able to make the case to the Government for investment to enable funding safe, high-quality forensics.

I do not wish to present the Bill today as a panacea, but that kind of regulatory environment should be the baseline for a competitive market in services as publicly important as these. That aspiration is key, because although there is ample cause to regret that manner in which the forensic science service was shut down, the Bill seeks to improve and build on the marketised approach as it exists today, rather than seeking to turn back the clock. That is why making this change commands, in my view, such universal expert and political consensus.

In what form, then, could objections possibly be taken? I am conscious that a small minority of practitioners, for example, have previously expressed concern that a statutory regulator would mean essentially sound practices being invalidated on technicalities and leave robust prosecutions open to unfounded but seemingly credible defence challenges, but that is emphatically not a risk created by this proposed legislation. The enforcement and investigatory powers it seeks to create are not directly rooted in compliance with quality standards but justified by substantial risk that the course of justice will be prejudiced by reliance on the science conducted

by these practitioners. As such, the only providers with a meaningful basis for concern are those whose work entails risk of that order. Most providers take the rules and codes of practice that govern their work, and the sense of public duty that comes with it, extremely seriously. Only a minority of bad actors have anything to fear from a system that begins with the aim of rewarding quality work done in good faith.

The same essential need for intelligent, enforceable and responsive regulation underpins the case for action to address the increasingly widespread collection, storage and use of biometric data. As I have already said today, the title of the Bill offers some clue to my initial aspirations on that front, but I take the Minister and the Government at their word that solutions are en route. They need to be, in my view, because this is an area in which it is even clearer that innovations and technology will consistently outpace the capacities of primary legislation and where current law leaves an intolerable vacuum for the abuse of new and developing biometrics.

In that context, and very briefly today, I would like to draw colleagues' attention to the independent review of the governance of biometric data commissioned by the Ada Lovelace Institute, which I understand is due to report its conclusions next month. The findings, I suggest, would represent one of the most authoritative contributions to the debate on how we govern biometrics, and I hope Ministers will take full account of them.

The general data protection regulation defines biometric data in fairly bloodless terms as the information that results from

“processing relating to the physical, physiological or behavioural characteristics of a natural person, which allow or confirm the unique identification of that natural person, such as facial images”.

Some of the processes we are talking about, such as fingerprinting, are well established and the limits on their use well defined, but the potential for abuse created by the speed with which technologies for processing other kinds of biometric data are advancing should make clear the need for political oversight to keep up.

Clearly, that does not begin and end with, for example, automatic facial recognition, but the worry that the technology simply is not ready for roll-out has been debated on the Floor of the House in the past.

**The Minister for Crime and Policing (Kit Malthouse):** I wish to acknowledge the hon. Gentleman's strong point that technology is moving at great speed in crime, as it is in all our lives, and to draw his attention to the fact that we were the only party that stood on a manifesto commitment—it was buried in our manifesto at the general election—to create exactly the robust legal framework to which he refers. I am hopeful that we will get movement on that quite soon.

**Darren Jones:** I am pleased to hear that from the Minister. I confess that I did not notice that in his party's manifesto, but on the basis of his confirmation to the House, I look forward to the tabling of comprehensive legislation. I can confirm to the House that, although it may not have been in our manifesto under the previous Labour party leadership, I will do my best to ensure that it is in the next one.

I believe the Minister when he says that he wants to get this right, and the Government will have a partner in me when they get around to it, but time is of the

essence. I sorely hope that the Bill fires the starting gun today on a period of revitalised thinking in the Government about how to regulate technologies in the public interest. I want to be a participant in that effort.

The Bill is as evidence-driven and task-focused a piece of legislation as it could be. Putting the regulator in statute is a matter of broad political consensus. As I have said today, on a cross-party basis in both this House and the other House, and among experts in the field, the regulator and, indeed, the Minister and the Government, there is consensus that the Bill should be given its Second Reading today. It will make good on a commitment, first made by the Government in 2013, that the regulator says is necessary if it is to do its job effectively. Finally, it will create a basis of quality enforcement, on which we can build a better-functioning market, and is plainly the right thing to do. On that basis, I commend my Bill to the House.

10.1 am

**Sir Christopher Chope** (Christchurch) (Con): What a pleasure it is to follow the hon. Member for Bristol North West (Darren Jones), whom I congratulate on introducing the Bill and addressing this subject following his success in the private Member's ballot. I am sure we all agree that we want a fine, good-quality forensic service.

The hon. Gentleman made the point that we need the regulator to take action to improve quality. I am sceptical, because we have had a regulator in place since 2007 and it has the powers to bring in codes of practice and, in essence, to encourage, by one method or another, people to comply with those codes. The Bill refers to the introduction of statutory codes of practice that would have to be subject to consultation, but it is not clear to me whether the existing powers have been used sufficiently. It is one thing to say that the regulator has the powers, has been using them and has not been able to make them work so needs them to be put on a statutory footing, but is not clear to me that the existing regulator has been using the available non-statutory powers.

Let me give an example. In her annual report, the forensic science regulator says, in paragraph 2.1 on compliance with the regulator's codes of practice and conduct:

"The number of organisations that have demonstrated compliance with the Codes has now risen to 42. This leaves approximately 17 organisations in England & Wales that hold accreditation to ISO 17025 but not the Codes and are regularly practising forensic science in the CJS"—

the criminal justice system.

She goes on:

"Of these, 12 are in policing".

The Home Office, which funds the regulator, also funds the police service. If the Home Office talks to the regulator, why has the Home Office not been successful in persuading 12 police organisations to comply with the codes prepared by the regulator? I do not understand what is going on. I hope that when the Minister responds he will explain why there is this dichotomy: the Government say that they support the Bill because we need a statutory regulator, but at the same time they seem to have been doing nothing to try to bring the recalcitrant police forces into compliance.

**Kit Malthouse:** My hon. Friend is raising an important point, but there are two things to say. Part of the complication is obviously the operational independence

of chief constables, in that the Home Office cannot bring any direct sanction to bear where something falls within their ambit, and as this issue does. However, as a strong champion of the authority and importance of this House, he will also know that transposing regulations into law has had enormous effect in the past. Back in, I think, March 2019, this House passed a statutory instrument on fingerprinting and DNA standards that took us from 9% compliance to 90% across police forces. That illustrates the power that he has from the Back Benches to mandate that kind of action across the country.

**Sir Christopher Chope:** I am fascinated by my hon. Friend's response. The chief constable of Dorset is the lead chief constable on this very subject. Perhaps following today's debate I will be able to have a conversation with him on this matter; but I still despair, really, that it is necessary for this House to intervene to get the police to do what we and an independent regulator think is the right thing for them to do.

**Chris Green:** Does my hon. Friend share my concern that spending on the forensics sector decreased, from memory, from about £120 million a year in 2008, or thereabouts, to about £50 million to £55 million a year over a 10-year period? That is a judgment that police forces have to take, but we have to consider the wider financial constraints that they face.

**Sir Christopher Chope:** Obviously police forces face constraints, but ensuring that the best quality forensic evidence is presented in the court system should be the top priority. Why should that be relegated as a lesser priority? My view would therefore be: yes, it is very important, but chief constables should be addressing that issue.

I am slightly sceptical about the need for this Bill, and my scepticism was increased when I looked at the regulator's annual report and saw that her budget, supplied by the Home Office, runs to only about £400,000 in total admin expenditure for a year. What will be the costs of this legislation, which the Minister is supporting? We are now told in the explanatory notes that it will add about £400,000 a year to the costs of the Home Office, so the admin budget for the forensic regulator would be doubled. How does that compare with the estimate given when my hon. Friend the Member Bolton West (Chris Green) introduced his Bill in the 2017-19 Session? The explanatory notes for that Bill said:

"An impact assessment has been conducted by the Home Office. The Home Office estimates that the statutory powers of the Regulator will cost an average of £100,000 per year in addition".

How is it that in the space of just two years the Home Office's estimate of the cost of this legislation has quadrupled? And how, on that basis, can we rely on any of its promises about what the costs will be? I do not know whether in due course we will have a separate debate on the financial side of this Bill—I imagine that we would need a money resolution—but perhaps my hon. Friend the Minister can answer that point now.

**Kit Malthouse:** I think my hon. Friend has missed his calling: his forensic examination of these documents is to be admired. During the course of the debate I will seek an answer to the question that he raises; I do not have it at the moment. In response to an earlier point that he raised, it is not just the police who are the users of forensic services; very often defence will use them.

[*Kit Malthouse*]

Having a consistent regulatory environment that is observed by all means that we will get greater consistency in courts, and therefore there will presumably be less time lost—and a saving—in trials that are broken, cracked or have to be delayed because of differences in forensic evidence.

**Mr Speaker:** Just to say the hon. Gentleman's calling is Friday.

**Sir Christopher Chope:** I am very grateful to my hon. Friend, and I look forward to hearing the outcome of his further enquiries. His strategy seems to be to suppress my scepticism by using charm and flattery, which I am sure are important weapons in his armoury.

I am conscious that lots of people want to participate in this debate. I hope we will be able to get on to some of the later debates on the Order Paper, so having expressed some of my scepticism, I will now sit down.

10.10 am

**Dr Rupa Huq** (Ealing Central and Acton) (Lab): What a pleasure it is to be called so unexpectedly early in this debate. Obviously your algorithm is working, Mr Speaker, even though the algorithms for other things—testing, exam results—are not. Let us not get into that.

I congratulate my hon. Friend the Member for Bristol North West (Darren Jones) on coming so loftily in the private Members' Bill ballot—a sensation I have never experienced and probably never will. He is also the Chair of the Business and Industrial Strategy Committee. He is one Opposition Member who will actually make his mark on our statute book. We all dream of the day we can do that, but from what the Minister says, it sounds like my hon. Friend will.

I rise to speak in support of my hon. Friend's Bill. I have taken on board the points against it, but I think they are all refutable. It seeks to right a whole load of wrongs that are going on in our society—we have heard about miscarriages of justice and unreliable evidence—and it also reins in the once seemingly untrammelled forces of the free market. We have seen something of that during the pandemic—yesterday, another financial stimulus was announced. I am glad that the Government are now converts to interventionism, as some of us have always been. It is great to have this Bill at a time when we are all so preoccupied by coronavirus or Brexit. It is something a bit different, but it is badly needed.

Recently, the word “forensic” seems to be used every Wednesday when Prime Minister's questions happens and our Leader of the Opposition takes apart the Prime Minister, but we are dealing with “forensics”—plural. The mere mention of that term conjures up images of wily experts solving cold cases long after the fact, dissecting the details and piecing together the evidence from the crime scene. We think of skilful professionals, with high-tech, high-end resources at their disposal, no expense spared, crusading for justice in the public interest. The American drama serials—the transatlantic type—have shaped the imagery in the public imagination: programmes such as “NCIS” and “CSI”. I know that our previous Prime Minister, the right hon. Member for Maidenhead (Mrs May), is a big “NCIS” fan. At the height of the cross-party talks in her Brexit negotiations, I found myself face-to-face with her at No. 10, and to break the

ice, I asked, as you do, “Was being Home Secretary like ‘Bodyguard’?” Instead, she enthused about “NCIS”, which was her favourite programme, and said it was more like that.

Forensics started about a century ago with fingerprinting techniques, and it can stray into things such as taking fragments of carpet fibre and even bite marks. By the '80s, when DNA profiling of samples was pioneered, the field really got a spring in its step. In today's world, it is accelerating, and its use is going on and on. With cybercrime rapidly rising, it is needed more than ever.

**Chris Green:** The hon. Lady commented on the free market, but does she not think that, with DNA profiling and fingerprints, there is a happy marriage between forensics on the one hand and the free market on the other, each lending its expertise to the other?

**Dr Huq:** The hon. Gentleman is right: we need a mixed-economy approach. Yes, we can allow private firms—I am not saying ban the private sector—but they should coincide with regulation, which is a good thing.

**Kit Malthouse:** The hon. Lady refers to the history of forensics and fingerprinting. I want to share a small anecdote with the House. In the early days of fingerprinting, the Metropolitan police were in pursuit of a particular criminal who, it came to their attention, had apparently been apprehended in Germany. They sent away to the German police to ask for this sadly deceased criminal's fingerprints to be sent, so that they could close the case. The German police amputated his hands and sent them whole, and they sit in a jar of formaldehyde in the Met police's Crime Museum to this day.

**Dr Huq:** Goodness me, we live and learn, and we learn a new thing every day. What a gory story. It is sad that we are leaving the European Union, because we had access to all those databases, including Europol's. I think that is a cause for lament, but that is probably another debate for another day.

**Mr Speaker:** I think we will leave that one there.

**Dr Huq:** Unfortunately, the reality of Britain's forensic services is far removed from the glamour of “NCIS”. Britain's Sherlockian sleuths and Clouseauian crime detectives do exist in our police forces, and they do a sterling job, but they have been hampered and held back for years—for at least seven years, as my hon. Friend the Member for Bristol North West said. There are three reasons for that.

First, cuts in police and research budgets have adversely affected spending on private forensics. The hon. Member for Bolton West (Chris Green) attempted valiantly in the previous Parliament to raise that issue. Sadly, the election, which not all of us wanted, put paid to that. Whatever happened to the Fixed-term Parliaments Act 2011? I think it is going soon. Anyway, as he pointed out, expenditure on private forensics has come down from £120 million in 2008 to £50 million at the moment. The House of Lords Science and Technology Committee uncovered those figures last year.

Secondly, there is a lack of competitiveness. Even for fans of the free market, this is not a good way of running the system. The forensics marketplace is in a



fragile state, because it is not purely one thing or the other. Thirdly, there is the laxity of the regulatory regime, despite the fact that there is a Forensic Science Regulator. The Bill seeks to address that by calling for a new Forensic Science Regulator, so that our justice system is better equipped to deal with modern crime.

When the regulator itself states that innocent people are repeatedly wrongly convicted and criminals are escaping the long arm of the law due to the failure of the forensic science system to meet basic standards, something has obviously gone very wrong. It is no exaggeration to say that it is positively criminal that the watchdog—currently incarnated as Dr Gillian Tully, who acknowledges this herself—is so toothless, so lacking in cojones, that it is purely advisory. It does not have legal powers to require private providers to meet standards, or to impose fines if they do not meet them.

How did we get here in the first place? It was actually under David Cameron, another PM who swiftly left the crime scene. Paul Roberts, a Nottingham University professor of jurisprudence who specialises in this field said in 2015:

“in a moment of penny-pinching madness that future governments may regard with incomprehension, the UK coalition government closed down the world-famous Forensic Science Service, arguing—quite improbably—that the private sector would fill the gap...this move to free-market forensics is not meeting the justice system’s need for high-quality scientific support and has put in jeopardy long-term forensic research, development and training.”

He laments the closure as part of what he calls a “landscape of ‘austerity justice’”.

**Kit Malthouse:** Although the hon. Lady is right that the Forensic Science Service was closed, and that part of the argument for its closure was the cost, because it was losing significant amounts of public money at the time, there had also been a series of forensic science failures resulting in high-profile abandoned trials, which meant that reform was felt necessary. It was not purely ideological; it was as much a practical and results-driven decision as anything.

**Mr Speaker:** Just for the record, the FSS provided a very good service. The labs at Chorley were fantastic.

**Dr Huq:** I am grateful to the Minister and to you, Mr Speaker, for pointing out what used to go on in the labs of Chorley—not the stuff that happened in Germany, obviously. [*Interruption.*] This is quite different to the German case.

I do not want to pick a fight with the Minister, because we all agree on this. That article was from 2015, and to be fair, some austerity justice cuts have since been reversed. Fees for employment tribunals have gone. Like the Labour party, the Government are under new leadership, so let us hope we can reverse all those things. We have been told repeatedly that austerity is over, so let us rectify the situation now.

Numerous authorities on the subject, including the National Audit Office and the Science and Technology Committees in this House and the other place, have concluded that our forensic system is close to broken, and that harms the criminal justice system as a whole. Putting the forensic science regulator on a statutory footing is a vital first step to saving the field. As my hon. Friend the Member for Bristol North West pointed out, it is not a panacea, but it is a good start.

Statutory enforcement powers are badly needed in the wake of the weak market that has emerged since the FSS was privatised in 2012. As has been pointed out, 90% of traditional forensic science is delivered by just three large providers, to the detriment of competition and market resilience. Even fans of the free market cannot like the way that is functioning. Large providers are exiting the market left, right and centre, creating system-wide capacity shortfalls and increased turnaround times. Simply put, there is not even a profit motive to uphold the standards of those companies, let alone a powerful watchdog. The rest of forensics is done in-house by police forces, which brings its own set of problems.

In the context of rapid technological change, police forces have reported difficulties in managing increasingly voluminous and unmanageable workloads, particularly in digital forensics. Local police forces cannot realistically be expected to deal with those new forms of crime, or deliver the same high-quality fingerprint evidence that the FSS once provided. They are forced to spin all those different plates at once, and juggle all those balls, some of which come crashing down.

Fewer than 10% of police forces have met basic quality standards for fingerprint evidence. Three years ago, all UK forces were ordered to ensure that their laboratories met international standards for analysing prints found at crime scenes, yet as of last year, only a handful had completed that. Police forces that have failed to obtain accreditation have to declare that in court, which prompts the concern that cases could fall apart because of unreliable evidence.

Police forces are in an impossible catch-22 bind. They can outsource forensics to private providers, which is costly and incurs spending beyond their means, or they can try to cobble something together themselves. With the latter option, police stakeholders are let off the hook in the absence of a regulator that can say, “No, think again.” Outsourcing digital work to unaccredited private labs that are subject to no regulatory oversight runs the risk of punishing police forces when their commercial partners botch things up. The much cited example of Radox Testing Services highlights that point. That private provider was suspended in 2018 after a number of motorists convicted of drug-driving offences were cleared after evidence of manipulation was found in Radox’s testing processes, and there are other examples of serious offences being quashed as a result of faulty data and contaminated evidence. The sector is badly crying out for quality control, rather than unsatisfactory quasi-casino capitalism that does not quite work, fused with police services that are unable to cope.

The public and private arms of the UK’s forensic services are at breaking point. That has led to a mass shortage of skills, particularly in digital forensics and toxicology. No wonder Dr Tully said in February that “forensic science has been operating on a knife-edge for years”.

When we cut corners in legal matters of this type, it is the public who lose out. It is a false economy for which we all pay dearly. Reliable, high-quality, trusted evidence underpins our justice system in this country. It is simply wrong that victims of some of the most heinous crimes do not see perpetrators put behind bars where they belong, because the evidence was not handled properly. That “anything goes”, sloppy culture has to stop. We

[Dr Huq]

should be striving for excellence in every lab, whereas now we do not have a system fit for purpose. We should not be scrimping on justice and putting up with unreliable evidence, as that destroys public confidence in our entire legal system. Saying that the wheels of justice will probably turn is not good enough. We need certainty that justice will be served.

We have heard before that we have had enough of experts, but I am glad that that thinking has given way to following the science. As I say, there is a long list of expert opinion in favour of such legislation. The Minister said it was in his own manifesto—buried away somewhere—and it is good to hear heavyweight Government support for it. As well as reports from the two Select Committees, the FSR's own annual report this year says that the quality and delivery of forensic science in England and Wales is "inadequate". This raises alarm bells that crimes may go unsolved and that the number of miscarriages of justice may increase.

I know that, at this time in the cycle, we are all receiving emails from conspiracy theorist types denouncing the Coronavirus Act 2020 as interfering in all our lives. I am no fan of totalitarianism, but on this one, regulation can be a force for good. Clauses 2 to 4 would introduce a code of practice with safeguards and standards, which means protecting consumers and encouraging levelling up—to coin a phrase. That means companies on the wrong side of the regulations will simply go out of business. Clauses 5 to 8 would allow for investigations with a built-in appeals process. Clause 11 defines "forensic science activity" as the application of scientific methods for the purpose of detecting or investigating crime and preparing evidence in criminal procedures, but it is flexible enough that there is scope to expand to areas of civil law, if needed.

Forensic science plays a pivotal role in modern criminal proceedings, and there is an increasing reliance on it. Yet such evidence can be boon as well as bane, because it poses such multifarious challenges when it is unreliable or misleading. Biometrics are not covered by this Bill, although the word is in the title, but we do not want forensics always to be associated with miscarriages of justice, which is in danger of happening. Making provision for the appointment of a beefed-up Forensic Science Regulator, ensuring the regulation of forensic science outfits and requiring the Secretary of State to publish an annual strategy are eminently sensible things. I am delighted that this proposed legislation has so much support from so many powerful quarters, and I, too, commend the Bill to the House.

10.27 am

**Chris Green** (Bolton West) (Con): I congratulate the hon. Member for Bristol North West (Darren Jones) on bringing forward such an important Bill at such an important time. There is so much pent-up demand in both Houses of Parliament for this Bill to be delivered, and I know that the Home Office is incredibly enthusiastic about it, so it is timely that we will get it done. Unfortunately, in the previous Parliament I tried and failed, and for me it is a lesson about instability in Parliament having an impact on people's lives and about the ability to deliver key services. It is really important at this stage to get this Bill delivered.

As has been highlighted, there have been reports in both Houses, which I think indicates not only the level of support for the Bill, but the critical necessity of doing so at this stage. In 2011, 2013 and 2016, the House of Commons Science and Technology Committee recommended that the regulator should receive statutory powers to enforce compliance with quality standards. In Sir Brian Leveson's review of the efficiency of criminal proceedings—that was in 2015—he repeated the call for statutory powers. In 2019, the House of Lords Science and Technology Committee, in a very extensive and authoritative report, called for such powers. The body of evidence building up indicates a signal failure within the system which now needs to be put right.

It is worth bearing in mind that there is a little bit of history before the dates that the hon. Member for Ealing Central and Acton (Dr Huq) highlighted, so I will touch on that briefly. In 2002, the Forensic Science Service stopped being a preferred supplier of forensic services to the police forces. In 2003, a Home Office review of the Forensic Science Service recommended that it become a Government-owned company, and in 2005 it became a Government-owned company in that sense. In 2008, the Forensic Science Regulator was established without the statutory provisions that are now so important. The Home Office also established the national forensics framework to allow police forces to purchase forensics from private suppliers and the FSS, using standard contracts with pre-agreed terms and conditions. Police forces therefore could choose not to purchase forensics through the framework but had to use the procedures for such services. Understandably, in 2010, with a whole series of concerns and problems, the coalition Government announced that they would shut down the FSS, citing in the decision its losses of £2 million a month. The need for reform was at that stage and is now abundantly clear; how the system is reformed is a different question.

**Dr Huq:** I thank the hon. Gentleman for the history lesson. I accept that there was some tinkering under the Brown and Blair Governments, but he must admit that it was under this Government's previous incarnation that full-on privatisation occurred. That needs addressing. As I said, I do not want to have a fight with him, but I did want to put that on the record.

**Chris Green:** The hon. Lady makes a fair point. When a direction of travel is set, it is sometimes difficult to change it around.

The Forensic Science Regulator, Dr Gillian Tully, in her foreword to the 2019 annual report, published earlier this year, sets out clearly and comprehensively what we ought to think about in the debate. I will therefore read from the foreword at length, which says:

"Whether it is data science, computer science, physics, chemistry, biology or another discipline, forensic science should be firmly rooted in good science. Courts should not have to judge whether this expert or that expert is 'better', but rather there should be a clear explanation of the scientific basis and data from which conclusions are drawn, and any relevant limitations. All forensic science must be conducted by competent forensic scientists, according to scientifically valid methods and be transparently reported, making very clear the limits of knowledge and/or methodology. Implementation of quality standards is a means to this end, ensuring a systematic approach to scientific validity, competence and quality. It therefore remains my absolute priority to publish a

standard for the development of evaluation opinions, to ensure that this systematic approach to quality covers all scientific activities from crime scene to court.

Some practitioners and leaders understand quality. They may be (and indeed should be) challenging about the detail of how to adopt the standards and may rightly point out the need for additional resources. However, they seek to use the requirement to adhere to quality standards to innovate in terms of process and/or technology and, in doing so, they bring about positive change. Often, they are truly inspiring.

Others misunderstand. They may grudgingly implement standards, but in a way that cripples their productivity and locks staff into rigid protocols, no matter what the case requires. Or they may devote much time and energy to avoiding compliance, arguing against change and sticking to 'how we've always done it'. The problem is that technology has moved on. 'How we used to take anti-contamination precautions'—

for example,—

"is no longer fit for purpose in a world where the sensitivity of DNA methods has increased by several orders of magnitude.

My hon. Friend the Member for Christchurch (Sir Christopher Chope) is not currently in his place, but, on his point, perhaps with ever-changing technology and a need for higher levels of technology, there is a requirement for additional resources in this area, not just in general but for the regulator and her team.

The foreword continues:

"'How we used to do digital forensics' is no longer fit for purpose in a world where data volume and complexity have ballooned, and a substantial subset of the data required is in the cloud. Throwing massive volumes of extracted data to investigators, who generally lack the tools and methods to interrogate the data effectively, just shifts a problem; a more integrated approach could be transformative.

Leadership and innovation are critical, because trying to transpose quality standards onto ineffective processes without change only succeeds in adding inefficiency to ineffectiveness.

Whilst the body of this report deals with the year to 16 November 2019, the foreword presents an opportunity to comment on more recent events and I am pleased to note that the Government has committed to investing approximately £28 million over a year to improve forensic science, via the Transforming Forensics Programme. It will be a massive challenge for the programme to deliver effective change, but it is my hope that the work will design quality into innovative approaches, in a way that brings together the best of the public and private sectors and academia.

A new government has been elected and I have been assured that there is no change from the policy to legislate to provide statutory enforcement powers for the Regulator. I am, however, disappointed to note that there is, as yet, no definite plan for government legislation. I therefore welcome the Forensic Science Regulator and Biometrics Strategy Private Member's Bill, proposed by Darren Jones, MP. The delay in legislating has, without doubt, resulted in slower progress towards compliance with quality standards, particularly in very small companies and police forces. Nonetheless, there is much learning from the progress thus far and this is reflected in my priorities around assisting with and improving the adoption of standards.

I will continue to lobby for change to ensure that the policies for commissioning forensic science support the provision of high quality forensic science. That has two main elements: the first is that those making case-specific commissioning decisions do so in a knowledgeable, collaborative and outcome-based manner, proportionate to the seriousness of the case and the potential for forensic science to contribute to criminal justice outcomes. I therefore welcome a new project, in the"—

Home Office,—

"that aims to better quantify the impact of forensic science in the Criminal Justice System. The second element is to ensure that a longer-term strategy for sustainable provision of high quality forensic science is developed as a matter of urgency. The pricing

uplifts put in place to stabilise the market this year were the beginning but not the end of this process and I have recently been made aware of concerns in the digital forensics community about unsustainable pricing, driven by high weighting on price in procurement. We must not go back into a spiral of unsustainability."

The sense of a spiral of unsustainability is incredibly important for the future, for the resources are allocated, encouraged and supported through the regulator and for those that police forces around the country allocate to different parts of what they deliver on justice and policing. This cannot be as underfunded as it has been. Ground needs to be regained.

Fundamentally, this is about the credibility of a significant body of evidence that should be used to convict the guilty and, in many cases, set the innocent free. Without rigour and the statutory enforcement power to back it up, too often, we will not see justice delivered and law and order upheld. In recent times, there have been a couple of very significant instances where we have seen failures in the system, if not necessarily in the market, and we have to be careful even though they are market providers—I am thinking of the failures of Radox and Key Forensic Services. Fundamentally, these could and perhaps should be seen more in the context of a lack of oversight, or a lack of ability to enforce concerns in the oversight position, as opposed necessarily to being a failure of the private sector. Whether we are talking about the police forces and their forensic units, or the market forensic units outside the police forces, they are all under pressure and under constraints, so we ought not to use Radox and Key Forensic Services as case studies against the market sector. However, we can reflect on the impact that those cases have had and how we should go forward.

Many thousands of cases are affected when a laboratory, in whichever way, goes wrong. Thousands of samples may not be analysed in the right way or may be contaminated, and that can have an impact on trials. In some cases, the guilty can get off; in other cases, the innocent may be found guilty.

We can just imagine the circumstances if someone who needs to drive for their living is convicted of drug-driving and can no longer do their job. That has a massive impact on them personally—perhaps they have to switch jobs or they become unemployed—it has an impact on their ability to look after their family and pay their mortgage, and it will have an impact on family life. Even though in many ways this issue can seem abstract and niche in its concerns, it has an impact, because law and order and the courts system have such a wide impact on so many people's lives right around the country. That is an important reason why we need to tighten regulatory oversight.

There are two broad categories for forensic science: trace forensics, which is perhaps what people will be familiar with, thinking of DNA, fingerprints and drug samples, and digital forensics, which looks at computers, smartphones, mobile devices and social media. Increasingly, there are concerns about cloud computing and the colossal volumes of data we produce these days. It is thought that about 90% of crime has a digital element and, hearing the awful news of what happened in Croydon overnight, we can be pretty sure that there will be a significant forensics contribution to that investigation.

That digital element can expand to cover many different areas, including CCTV and cyber-attacks. I was startled to read that the average British household now has on

[Chris Green]

average 7.4 digital-enabled devices, and we have to look at that being set to continue into the future, so there are massive challenges. That perhaps goes into the whole idea of big data, because big data is not just about large volumes of data but about the extraction, manipulation, use and interpretation of that data. There is far more to it than just getting hold of a device; we have to do so in a managed and controlled way.

As with any science, these disciplines do not sit in isolation, so increasingly we see that any given crime will require that expertise from both the trace element and the digital element of forensics. How we manage those two sectors coming together and working together places increasing demand on the sector, requiring more and more advanced management. If we do not have the resources to look into how we manage the system and perhaps do not have the resources going in, that creates increasing strains, which then have an impact on the rest of the criminal justice system and policing.

**Richard Fuller:** I have been listening with interest as my hon. Friend has explained an ever-expanding list of areas, including data, big data and artificial intelligence. It seems to me that his vision for what may be within the ambit of the Bill is much more expansive than perhaps was my first assessment of what may be contrived in this Bill—certainly, as we were hearing from my hon. Friend the Member for Christchurch (Sir Christopher Chope), within a budget of £100,000 going up to £400,000. Have I got the scale of what my hon. Friend the Member for Bolton West (Chris Green) is envisaging right, or is it more restrictive, perhaps closer to what the hon. Member for Bristol North West (Darren Jones) said in his opening remarks?

**Chris Green:** I think that point reflects on what the hon. Member for Bristol North West said about this being a starting point in terms of the regulator body. This also reflects upon the sphere of law and order and the justice system that it ought to be looking at and investigating. It is those two aspects together that overall will require significant resources, and to get more and increasingly specialist skills to look at artificial intelligence, cloud computing and those sorts of areas. There may not be those skills necessarily within the regulated service, but certainly there would be an expectation of commissioning people to come in to inform and enable the regulator to have that oversight position, perhaps, later on.

**Kit Malthouse:** My hon. Friend is making an extremely important point, and nowhere is it more pertinent than in the area of digital forensics, as he said, which is developing very fast. One of the obstacles that we have faced in the prosecution of rape investigations, for example, has been the confidence of victims to allow interrogation of their mobile phone data as part of that investigation. Improving the confidence of victims around both the codes of practice and the techniques that are used in those forensic opportunities, and then how that is presented in court, will be a key part of getting them over the line to prosecution, whereas at the moment we are often seeing resistance because of notions of intrusion into privacy that are overwhelming their desire for justice.

**Chris Green:** I agree with the concerns that my hon. Friend highlights. When the system looks in one way or another at a victim's smart device, which has so many personal messages and so much personal information on it, the victim needs reassurance that it will be done in the right way and they ought to feel safe. I am cautious that that ought not to be an impediment to their seeking justice.

**Richard Fuller:** I am cautious about trying to have a dialogue with the Minister through my hon. Friend while he makes his speech, but may I just add a counterpoint to his response to the Minister about the assurance that comes when “the system”, as my hon. Friend called it, has access to data? If we provide a statutory underpinning to the powers that can be taken in the use of data for forensics, does that not provide a stronger basis for the state to intrude even further into the data requirements that law enforcement can pursue in pursuit of forensic evidence? Would that not be a cause of concern for many people?

**Chris Green:** I appreciate my hon. Friend's concerns, but I would be cautious about going down that route. Increasingly, the policing system as a whole reflects on the specialist skills required to do the work and within that system there is increasing recognition that the police need people who are perhaps badged as police but who would not fit into the traditional view of policing. Whether those people are employed and recruited through the policing system or for a private sector provider, ensuring the standards are equally high and equally well adhered to is key to this aspect of the work.

**Kit Malthouse:** I, too, am anxious not to engage in ping-pong with my hon. Friend the Member for North East Bedfordshire (Richard Fuller) through my hon. Friend the Member for Bolton West (Chris Green). There are two issues in particular regarding digital forensics. One is the delay. Practices at the moment often mean that victims or others surrender their devices for many weeks, which has implications for them as well. In the end, it is through the regulator and statutory codes of practice that voice is given to democratic consent for the ambit in which the state can intrude into a private individual's information to the extent that justice may be served. At the moment, that is broadly done at the discretion of the police. Possibly in the future it will be done by codes of practice, and as I said and as we said in our manifesto, we will look at a framework for the adoption of police technology and techniques in the future. Fundamentally, that has to come to this House for democratic consent and it is through these mechanisms that we give that permission.

**Chris Green:** I thank my hon. Friend for his message.

Let me finish this point about the future tech. We have not really touched on the internet of things, and that global connectivity of billions and billions of devices. That might have an impact on the way the police and other services investigate a crime.

I read a simple but odd thing about how electronic doorbells can play a part in crime. Apparently—I hope no one is listening to this—burglars can observe the data usage when a doorbell is rung and an internet connection is established with the owner, who may be at

work or away. The fact that the data usage rockets up tells the burglar that the person has not come to the door and that they are observing what is going on from afar, and so are not there.

**Darren Jones:** I share the hon. Gentleman's enthusiasm for debating the opportunities and risks of data and technology in this space, about which he is clearly very learned. I am sure he also welcomes the Minister's comprehensive legislation on the issue. Does he agree that my Bill is—to coin a phrase—specific and limited in its scope, as it merely seeks to give enforcement rights to the regulator to accredit standards? I congratulate him on leading on the issue, but we will be able to have this debate, in which many hon. Members are clearly interested, in greater detail when the Minister brings forward his legislation.

**Chris Green:** I agree with the hon. Gentleman, but it is sometimes tempting to speculate more widely. I appreciate the focus that he wishes the debate to have, which is to some extent represented by the biometrics element having been taken out so that we can focus on the most important elements.

**Madam Deputy Speaker (Dame Eleanor Laing):** Order. For clarification, I have allowed the hon. Gentleman to stray slightly beyond the realms of this narrow Bill for the sake of illustration, but of course we observe the rules carefully, especially on a Friday when we are looking at private Members' Bills, to make sure that the debate is absolutely pertinent to the matter before us. The hon. Gentleman has done nothing wrong, but for the sake of clarity and for new Members who have not attended before on a Friday, the rules are not relaxed in any way today, and the hon. Gentleman whose Bill this is was correct to point out what he has just pointed out. Mr Green, you may proceed for illustrative purposes.

**Chris Green:** Thank you, Madam Deputy Speaker. I will pick up the point that was made about public perception, because the regulator has a role in reassuring people that the system—all elements of the forensics science area—is up to standard. The public need that reassurance.

To some extent, that goes back to the "CSI" vision in that area. Before coming here, I worked in the mass spectrometry industry and on occasion worked in forensics laboratories. Having been there, I am confident that—not being a big fan of the show—there is a world of difference between the two. The laboratory environment is incredibly focused and serious. It has many of the standards and expectations that any other laboratory environment would expect to have, whether in industry or other sorts of research, because we cannot have scientists and others contaminating samples in the lab with DNA or other samples, for example.

We have to have a clean-room environment and incredibly well-controlled samples and other materials. We hear about the negativity of single-use plastics, but in the laboratory environment it is incredibly important that people use a vial once and not on a number of occasions, because that is how we get cross-contamination.

We have to have an understanding of the quality of the science and the resources it needs because of the sensitivity of instrumentation these days. I worked in the mass spec industry for approaching 20 years, and the technology was transformed from the beginning of

that time to when I left. Having been here for five years, I would now feel, in a sense, technologically redundant. I have been completely left behind. It is not just the physical technology and the electronics; it is also the software. In terms of the laboratory experience, this touches on wider concerns about data handling and how we can control and protect the enormous quantities of data that laboratories generate. We must have confidence, from beginning to end, about how the samples are gained from the crime scene, how they are processed and transferred, and how they go through the laboratory system, after which reports are written and, ultimately, presented in court.

**Julie Marson (Hertford and Stortford) (Con):** The whole question of confidence makes me think of rape victims, for example. The rate of conviction in this country and elsewhere for rape is shockingly low, and this question of confidence feeds into the very purpose of the Bill. The work of these laboratories is valuable, intense and professional. Does my hon. Friend agree that public knowledge about that would give victims the confidence to come forward and submit to intrusive examinations, because they know what will happen with their evidence? This is all about enforcing and reinforcing the justice system.

**Chris Green:** I agree entirely; my hon. Friend makes an important point. This legislation, and our having this debate, is incredibly important in giving victims the confidence to come forward and know that they will be looked after and supported in the right way. There would be an ongoing duty and responsibility for the Forensic Science Regulator to work to raise standards in the system, so that people can recognise that.

I have not touched much on the digital side of a forensic science laboratory's work. I am more familiar with mass spec, high-performance liquid chromatography and the other analytical techniques that can be used. I was a member of the Science and Technology Committee from 2015 to 2017, and we went on a visit to the Laboratory of the Government Chemist in Teddington. I had worked there a little bit beforehand, but it was fascinating to see the digital side of its work. I want to give a sense of the challenge ahead and the resources required.

The police and forensic scientists have to monitor, judge, analyse and access smartphones, smart watches, iPads, computers, desktops and many other devices. All those devices have different levels of software, different editions, newer versions and different operating systems. We need to have a compliant system within the digital sphere to ensure that that analysis can be done in a way that cannot then be challenged or undermined in the court system, and it can be shown that these standards have been adhered to and in no way have the digital services interfered with or corrupted the data being drawn from these devices.

**Richard Fuller:** My hon. Friend is outlining the expanding scope of the work that will be undertaken. I take the point from the hon. Member for Bristol North West (Darren Jones): this is about the statutory underpinning. Nevertheless, does my hon. Friend think that all this work he refers to about digital watches and digital whatsits can be done within a budget of £400,000 a year? Are we not really just seeing the first step in what will be an ever-increasing budget for this regulator?

**Chris Green:** It is important that we set the direction of travel. We need to take this incredibly important step today. This work ought to be seen in the context of the total annual police budget, which is £12.3 billion, and not the £400,000 annual cost of the regulator, but we may have to revisit this at a later point as technology advances and changes with time.

Money is a key aspect. I highlighted earlier, in justification to my hon. Friend the Member for Christchurch, the budget and the way it has changed. In 2008, the forensic science budget was about £120 million; in 2018-19, it was £50 million to £55 million out of a police budget of £12.3 billion that year, so we can see the reduction. Part of that may be due to improved efficiencies, but there are significant concerns in the system that things are being squeezed.

There are particular concerns about the squeeze when it comes to more niche services. We all know about services such as DNA and fingerprinting, which—this is very crude phrasing—might be seen as “mass production” services, but what about more specialised techniques? Mycology, for example, is a technique used in estimating times of death or events by using known growth rates of fungi, in providing trace evidence and in locating corpses. It can also include looking for causes of death or illness by fungi poisoning, and fungi used in biological warfare. There are quite extraordinary specialisms in the system.

One of the concerns highlighted to the House of Lords Science and Technology Committee was about lower commissioning rates of those more specialist services. An individual who contributed to the inquiry, David Hawksworth CBE, highlighted that about 10 years ago he might have had about five or six cases per year but that has really dipped to perhaps one or two, or even zero, cases per year. If he needs accreditation—if he needs to go on courses to be able to present that information in the court environment—that will be a significant cost to him. If he rarely uses his skills to make such contributions, it will be a great expense to him. There ought therefore to be recognition in the regulator’s approach that, for many things, we do want those standards—the 17025 standards, which are generic laboratory standards—but exceptions to that ought to be considered, perhaps on a case-by-case basis.

**Brendan Clarke-Smith** (Bassetlaw) (Con): On that point, there has been some talk from smaller providers who are concerned at the cost of achieving accreditation. As I understand it, the Government are exploring with the Forensic Science Regulator ways to mitigate that and to work with those providers. Does my hon. Friend agree that that is important in ensuring that we get everybody signed up to this scheme to assist those small and medium-sized enterprises, which need our support now more than ever?

**Chris Green:** I wholeheartedly agree with my hon. Friend. That reinforces the point that there are workstreams that have been ongoing for a long time, and that this is an opportunity to bring them to a conclusion, or at least to take an early step, as we seek to make progress.

The Bill is a vital step, and I fully support it. It is so timely. I really welcome and applaud the support from both sides of this House, and the overwhelming support and body of evidence that the upper Chamber has contributed, in supporting and supplementing the winning arguments of the hon. Member for Bristol North West.

11.3 am

**Wes Streeting** (Ilford North) (Lab): In a spirit of cross-party consensus, it is a pleasure to follow the speech of the hon. Member for Bolton West (Chris Green).

I was very disappointed to learn that the parliamentary editor of PA, Richard Wheeler, said of our proceedings this morning that they lack

“the razzle dazzle of a Lords”

sitting Friday. If he has been paying full attention this morning, I do not know how he can possibly have missed the wonderful tour de force of my hon. Friend the Member for Ealing Central and Acton (Dr Huq), who even occasionally addressed the contents of the Bill, as well as a wide range of other issues; the interventions of the hon. Member for North East Bedfordshire (Richard Fuller), who talked of “digital whatsits”; or the story from the Minister, no less, about the transit of cold, dead hands from Germany to the United Kingdom for the purpose of forensic investigation.

I find that we always learn something new on sitting Fridays. On this occasion, the most surprising revelation was not the gory story about the cold, dead hands; it was actually the revelation that this seems to be the only issue that did not appear in the 2019 Labour manifesto. We covered literally everything else. There was a policy on literally everything—no expense was spared—yet somehow, we overlooked forensic science regulation. No doubt, under the new leadership—the forensic leadership, no less—of the Leader of the Opposition, we will redress that imbalance. If only the omission of this policy area from the manifesto was the reason we lost the election—that would make things more straightforward for us than they are.

One of the other great things about a sitting Friday, as my hon. Friend the Member for Bristol North West (Darren Jones) assured me, is that finishing at half 2 gives people plenty of time to be back home in their constituencies in time for “Gogglebox”. I know he is an avid viewer.

Turning to the matter at hand, in his opening speech my hon. Friend set out very clearly why the Bill is important, specific and very timely. As we have heard, following the abolition of the Forensic Science Service in 2012, the responsibility for providing forensic services has fallen to the private sector and, in practice, to a fragile and often uncompetitive market, hindered by widening capacity gaps and dominated by a few big providers. That brings with it the likelihood of supply shocks and market collapse, exacerbated by the absence of fully enforceable quality standards. That is the central case for the Bill set out by my hon. Friend.

My speech will focus on the urgency and timeliness of making this a statutory regulator. The Minister has alluded to the fact that the Bill ought to have Government support. I hope that it will, because since the office of the Forensic Science Regulator was created in 2008, it has operated as an independent public appointee with Home Office sponsorship but has lacked the statutory powers it needs.

Indeed, the FSR’s annual report published in 2020 illustrates the consequences of having such regulation without statutory power. Forensic services carried out in-house by police forces are not subject to contractually

mandated compliance with quality standards and so carry the risk of consistently lower levels of compliance. The report states:

“The Regulator regularly receives correspondence from commercial providers of all sizes complaining about the lack of a level playing field for compliance with quality standards. The Regulator welcomes the police requiring compliance through commercial contracts with their suppliers. It is however imperative that policing achieve that same level of compliance for their own internal services, whether those be long established disciplines or the more recent, digital field.”

The annual report also makes the point that the development of improved guidance on quality standards for taking forensic samples from complainants in sexual offence cases underscores the need for a regulator with the statutory ability to ensure adherence. The success of sex crime prosecutions relies on sexual assault referral centres minimising the chance of DNA contamination. There has been an example of DNA from one case contaminating the swabs from a different case handled on adjacent days in the same SARC, yet the commissioners of some SAR services are still reluctant to pay for the testing of their SARC environment to minimise the risk of contamination. Compliance with the quality standards set by the Forensic Science Regulator will mean that anti-contamination practices and testing will have to improve. When discussing a Bill that may appear very technical, we should not underestimate the human consequences of getting this right.

**Kit Malthouse:** The hon. Gentleman is exactly right. With regard to digital forensics, I remind him of the case of Liam Allan, where errors made by the police in the disclosure of digital evidence eventually led to the acquittal of the accused. Following that case, we saw a chill go through the prosecution of rape, to the extent that the number of rape cases brought to the courts plunged. We are still struggling with that issue, which points to exactly what the hon. Gentleman said about the confidence of the system in the forensic capability, practices and standards used to bring people to justice.

**Wes Streeting:** I am very grateful to the Minister for that intervention because it underlines the point I am making. There can be nothing worse for victims of serious crimes than knowing that the perpetrator has gone free because the forensics were not handled appropriately or sensitively, so we absolutely have to get this right.

**Kit Malthouse:** I just want to be clear that in the circumstances of the case I referred to, the person accused of the crime was found innocent as a result of further disclosure, which proved that person's innocence. To an extent, it was a case that was prosecuted on possibly false pretences, because of poor digital forensic practices and disclosure.

**Wes Streeting:** I absolutely understand. I was referring to victims whose crimes are not punished, but it is important that the justice system gets it right. Sometimes people will be wrongly accused, and contaminated evidence giving a misleading impression is not a good outcome for anyone either.

The Forensic Science Regulator's 2020 annual report also raises concerns about levels of compliance on the classification of firearms:

“It is unlikely that there will be a significant further move towards compliance while the Regulator has no statutory enforcement powers.”

Efforts have been made to incentivise police forces to seek accreditation, but that process is made more challenging by the regulator's lack of statutory powers, particularly in the context of rising cost pressures. The 2019 “Forensics Review” found suggestions that that deficiency meant the police

“de-prioritised investment and meeting deadlines for accreditation” and

“described difficulties in achieving accreditation for inhouse services digital functions. In some cases, accreditation was seen as an additional cost pressure amid a number of competing priorities.”

At this point, it is hugely tempting to talk about the cost pressures on police forces, whether the Metropolitan police, who cover my constituency, or Essex police, who cover yours, Madam Deputy Speaker. I will not go there, because you will very quickly rule me out of scope on the Bill, but it is none the less beyond question that if police forces are thinking about cost pressures and where to deploy resources for officers and the kit they need, there is a real risk. There have been occasions where police forces have not invested in forensics to the extent that they should have done because they had other, arguably more important priorities. Frankly, they should not be forced to choose. It cannot be right that police commissioners, commanders and senior officers are placed in that position. That is about the Government ensuring the police receive the resources they need and about having the regulatory framework in place to ensure resources are directed to the right place.

**Kit Malthouse:** I know the hon. Gentleman is not advocating a blank cheque for policing and recognises that there are always finite resources, but he alights on an important point. It is perhaps worth stressing the notion that investment in forensics and in making sure that forensic investigations are conducted to very high standards means there will be enormous savings on abandoned trials and prosecutions that go nowhere. He may well be right that some forces take a short-sighted view, but forensics should be a spend to save, because it will make the police force more effective.

**Wes Streeting:** The Minister makes a very good financial case for investing in forensics. It will lead not only to better outcomes in criminal justice but potentially to cost savings from resources. That does not mean that he should wander away from the manifesto commitment to replace almost all the police officers the Government have seen away in the past decade.

**Julie Marson:** I just want to echo in a practical way what the Minister says. As a magistrate, so many times I have seen defendants in court waiting to see what evidence is submitted on the day and what witnesses turn up on the day. The cost savings, in a very practical sense, could be very real and very substantial. The Minister's point about the forensic reliability and transparency of evidence will seep into the criminal justice system in the cost sense.

**Wes Streeting:** I am grateful for that useful insight into the practical consequences of the system not working correctly. I wish I could see it for myself: I was booked for jury service in the next two weeks, only to be told this week by the jury officer that I am on standby. If

[*Wes Streeting*]

I may say so, that is good news for criminals across east London and Essex, because I come from the “tough on crime” school of the Labour party.

**Chris Green:** My hon. Friend the Member for Hertford and Stortford (Julie Marson) makes an interesting point, further to which I note that if the forensic system works effectively and efficiently and the evidence is introduced early in the investigation, that can give someone a reason to say, “Look, I did it,” and thereby curtail the whole investigation, saving huge amounts of money and delivering justice much earlier.

**Wes Streeting:** That is so important for victims. Most people would not like the experience of going before a court, even if it is to testify against someone whose wrongdoing consists of fairly minor infractions, because there is a time cost and inconvenience. In really serious cases—for example, if someone is the victim of a serious sexual assault or serious violent crime—the knowledge that the ordeal of having to appear before the court and recount the story may well not need to happen because the forensics arrive and the offender knows they have no chance of getting off, can not only deliver the justice that victims deserve but prevent victims from enduring further pain as a result of a lengthy trial at which they have to relive their experiences in a court room of strangers. That is one of many reasons why the Bill and a forensics system that works well is really important.

Police services consistently remain far behind schedule in respect of gaining accreditation for the quality standard for crime-scene investigation. Significant improvements—for example, to reduce the potential for DNA contamination—can be made during preparation for accreditation, but without full compliance the risks remain. Without enforcement powers, it is difficult for the regulator to ensure that, among all the other policing pressures, sufficient priority is given to attaining compliance. Forensic collision investigators have discovered, in the process of adopting quality standards, that some of their methods gave results with a large amount of uncertainty. They have been able to get small and innovative companies to develop new equipment that can make a significant improvement, but there is further to go. That momentum will only be supported by a regulatory framework with sufficient incentives and enforcement powers.

**Danny Kruger (Devizes) (Con):** Will the hon. Gentleman unpack that a little? We have heard that one problem at the moment is that there are too few providers of forensic services and they are too large. As I understand it, the intention of having more statutory power for the regulator is to broaden the market and ensure that we have a wider range of forensic services providers. Does the hon. Gentleman agree with that? Does he think the Bill will achieve that—and how?

**Wes Streeting:** My hon. Friend the Member for Bristol North West made the point about the risk of the forensics market not being competitive enough and that having the same sorts of consequences that monopoly provision has in other areas. My hon. Friend would be best placed to respond to the hon. Gentleman on questions about whether the Bill goes far enough and about the framework set up in the Bill.

As ever with private Members’ Bills, there is always a certain degree of negotiation to be had with the Government—particularly for Opposition Members negotiating with the governing party—to make sure that the Bill achieves a smooth passage through the parliamentary process. If this Bill makes it onto the statute books, it will be not only to the enormous credit of my hon. Friend the Member for Bristol North West, who always approaches such issues in a constructive and thoughtful way, but to the credit of the Government in taking forward this important issue and seizing the opportunity that the Bill provides to act in a policy area that, as we have heard, is long overdue for reform.

We have heard Government and Opposition Members set out powerfully the case for the Bill. Giving the regulator statutory power is a matter of broad political and expert consensus to which successive Governments have been notionally committed for more than seven years. In a packed schedule, when there are often pressures on legislative time, I am sure the Government will be grateful to my hon. Friend for providing this rare, once-in-a-Parliament opportunity for Ministers to see this issue through with a good degree of cross-party consensus. I commend the Bill to the House.

11.20 am

**Gareth Davies (Grantham and Stamford) (Con):** It is a great pleasure to follow the hon. Member for Ilford North (Wes Streeting). I congratulate him on elevating the entertainment level of this debate, or at least the perception of it. I am sorry to those watching that it will now go swiftly downhill.

I congratulate the hon. Member for Bristol North West (Darren Jones) on bringing this debate and this Bill to the House. I also pay tribute to my hon. Friend the Member for Bolton West (Chris Green) not just for his speech, which was extensive in its detail and consideration, but for all the work he has done over the past couple of years on this subject. His speech made it very clear how knowledgeable he is and how much he cares about it.

I welcome the opportunity to speak in this debate about a Bill that will bring justice by raising the bar for forensic science in our country. As we have heard, there are two main points to the Bill: standards and enforcement. It will put into statute a forensic science code of practice, and give the regulator powers to enforce those standards. It has been shown previously that, where there is legislative imperative, police forces and providers act to make improvements. This Bill is required to improve the quality of forensic science, which is currently divided between in-house police service teams and outsourced private organisations.

The execution of forensic science analysis differs from police force to police force, and therefore the quality of service is disparate and could jeopardise justice. According to the regulator, only 30% of police forces are compliant with crime scene investigation standards. Digital forensic compliance is at only 20%, and five police forces still lack accreditation for fingerprint services. We expect the highest possible standards for forensic science because it helps us to deliver justice for victims. That is why there is broad support for this Bill, including from police chiefs. However, it is important that we scrutinise it to highlight some of the potential issues with its provisions.



As has been discussed extensively in previous speeches, costs to police forces and providers must be considered. The comments of my hon. Friend the Member for Christchurch (Sir Christopher Chope) are important: requiring the code of practice to be fully adopted will inevitably cost police forces time and money, and the Government should consider provisions to enable them to do that. I also concede what my hon. Friend the Minister said about the overall cost savings after the implementation of the Bill. There are already delays in processing digital forensics; they sometimes take 12 months to analyse. Extra controls could extend delays further, and we should be mindful of that as we proceed with the Bill.

Of course I support the Bill, but it is important that we consider those up-front costs, the administration and the potential time impacts of its implementation so that preparations can be made accordingly. I also support any initiatives that more greatly assist Lincolnshire police. I am proud to live in a county that is so well served by our police force. It is not the best-funded police force—that is a matter for another day—but we have some of the most professional and dedicated officers anywhere in the country. Lincolnshire police has demonstrated that it is important to move with the times, innovate and harness new technologies, whether it is the use of drones, which are critically important for rural areas such as mine in identifying and finding missing persons, or mobile fingerprinting technology, which has greatly assisted our police force in identifying potential suspects quickly.

Any improvements to forensic science will also clearly help to enhance the work of Lincolnshire police. For that reason, I warmly congratulate the hon. Member for Bristol North West for bringing this Bill to the House, and I support it entirely.

11.24 am

**John Lamont** (Berwickshire, Roxburgh and Selkirk) (Con): It is an honour to follow my hon. Friend the Member for Grantham and Stamford (Gareth Davies), who made some very thoughtful remarks, and my hon. Friend the Member for Bolton West (Chris Green)—who is about to leave the Chamber—who earlier gave a detailed analysis of many of the key issues in the Bill. I particularly thank to the hon. Member for Bristol North West (Darren Jones) for all his work in bringing the Bill forward.

Forensic science has changed criminal investigation across the world. It has led to countless convictions that would otherwise not have been possible. It has also helped to solve cold cases and helped the innocent to be acquitted—not to mention the thousands of hours of crime drama produced across the world that would have been significantly less interesting without forensic science. It is important that we can rely on forensic science to keep us safe and secure. The Science and Technology Committee in the other place said in its report:

“In many criminal cases forensic science evidence is pivotal. The delivery of justice depends on the integrity and accuracy of that evidence, and the trust that society has in it.”

This Bill is therefore not just about ensuring proper regulation of forensic science, but about protecting a fundamental pillar of our democracy: justice.

The dependability of evidence is essential in our criminal justice system. Jurors and indeed the wider public must be able to have confidence in the evidence put before them. Similarly, defendants and prosecutors

must continue to be able to conduct fair trials. Consequently, it is very hard to argue against the Bill, as it will make the current Forensic Science Regulator a statutory appointee with statutory powers. Fundamentally, that will enable the regulator to ensure that standards are upheld in the science used in court proceedings across England and Wales. This has the support of the Government, as well as the Science and Technology Committees of both Houses. The Chartered Society of Forensic Sciences also supports these statutory powers. Indeed, the Forensic Science Regulator herself, Dr Gillian Tully, has said how important it is that her office receives the powers it needs to ensure the effective delivery of justice. It is definitely time that these changes were made. To be honest, it is regrettable that they have not been achieved before now. This House now has an opportunity to act, and I welcome the support that the Bill seems to have.

It is important, however, that it should ultimately remain up to a court to make decisions on the admissibility of forensic evidence, as detailed in the explanatory notes to clause 4, and I welcome the fact that that will remain the case. Clause 2 will allow the regulator to prepare and publish the code of practice, which will then need the approval of the Secretary of State and both Houses of Parliament. That is also to be welcomed. However, I would be grateful if the hon. Gentleman let the House know of any discussions that he may have had with the Government or the regulator about possible timeframes for publishing the code of practice, or perhaps he has a timeframe in mind himself. I am mindful that years have passed since the first calls for this Bill were made and that Members will be anxious for the code of practice to be enforced as quickly as possible if the Bill were to be enacted. I understand that the code will be open to consultation, and I appreciate that these things take time, but an indication of the timescales would be helpful.

I also have concerns about clauses 6, 7 and 8 and the issuing of compliance and completion notices. I accept that the power would be used to maintain standards, but how will that influence court cases? For example, if a provider was issued with a compliance notice while analysing evidence or afterwards, how would that be perceived by a court or a jury?

**Darren Jones:** I thank the hon. Gentleman for his contribution today and for raising these important questions. Of course, the whole reason for accreditation in the first place is to ensure that the validity of the Forensic Science Service is not brought into question as part of prosecutorial or defence-based arguments. Indeed, the hope is that, by bringing in these compliance requirements, we will move away from the current problem and make that process better.

On the hon. Gentleman's question about the codes of conduct and their publication, of course I support his call for that to be done as quickly and promptly as possible. I know the Forensic Science Regulator also supports that position. Indeed, she has been in detailed conversations with my office and with the Minister's office about the publication of the Bill. However, it is obviously for the Minister and the Home Office to conclude on that point.

**John Lamont:** I am grateful for that clarification. I suppose my point was more about compliance notices being issued during court proceedings and the impact

[John Lamont]

that that would have. For example, would another provider then have to analyse the evidence, and could it be legitimately argued that the evidence had in some way been contaminated while under the care of the provider issued with the compliance notice? I want to make it clear that I am by no means an expert on forensic science and my concerns may be utterly unsubstantiated, but these are important points to consider during analysis of the Bill. I would be grateful if the Minister or the hon. Gentleman could give further clarification on them, not necessarily today but further down the line.

As I am acutely aware, justice is a devolved matter in Northern Ireland and Scotland, so this Bill of course applies only to England and Wales. However, one of the huge benefits of devolution is being able to look over the border, wherever that may be, to see what can be done better, or perhaps more importantly, what should be avoided. As a representative of the Scottish Borders, I see almost every day differences in policies either side of the Tweed, and their qualities and shortcomings, although I must point out that sometimes all nations collectively get it wrong. I am sure I do not need to remind Members of the exam results debacle over the summer, when all four Education Secretaries felt the heat from disgruntled parents and students simultaneously.

Despite the fact that justice is devolved, I would point out that the current Forensic Science Regulator plays a role across the entire United Kingdom. The Forensic Science Advisory Council, which is chaired by the regulator, has representatives from Forensic Science Northern Ireland and the Scottish Police Authority Forensic Services, which are deemed to be full partners. In written evidence to the House of Commons Science and Technology Committee, the regulator said that that allows for the implementation of the resulting standards in jurisdictions across the UK and that that

“will beneficially ensure the existence of UK-wide standards in forensic science.”

That is good news and means that we are all sharing best practice across all parts of this United Kingdom, ensuring that justice can be served in these islands.

I am a very firm protector and supporter of devolution, but to appease those who may not believe in common working between the nations of our United Kingdom I would happily point out that Her Majesty’s inspectorate of constabulary in Scotland stated in a report in 2016 that “there is no requirement” for the decisions of the advisory council to be implemented in Scotland. I think all right hon. and hon. Members can agree that this is a great example of the nations of the UK working together for the good of all, despite powers residing in the different capital cities of our country.

Another example of the Forensic Science Regulator having a role other than in England and Wales was when it was asked to review the performance of the Scottish Police Services Authority in the case of *HM Advocate v. Ross Monaghan*. I do not want to go into the specific details of this report, but it is important once again to flag up how this Bill may end up having an effect, however small, across the whole United Kingdom.

I want to return to the topic of biometrics. The Bill’s full name is the Forensic Science Regulator and Biometrics Strategy Bill. We have already heard from the hon. Member for Bristol North West why there is so little about biometrics in the Bill. I understand that “Erskine May”

allows private Members’ Bills to have purposes that do not relate to their titles, but I am not sure whether the hon. Member intends to amend the name of the Bill as it progresses. We will have to wait and see.

**Kit Malthouse:** Just to confirm, should the House consent to the Bill’s progress, we intend to table an amendment to the title in Committee.

**John Lamont:** I am grateful to the Minister for that clarification.

I welcome the fact that there are no biometric measures in the Bill, as, to be honest, I think our biometrics strategy is far too large to be included in a private Member’s Bill. Recently, the Scottish Parliament passed the standalone Scottish Biometrics Commissioner Bill, which deals with how biometrics data should be used. That shows how big an issue it is, and why it should be dealt with separately.

Most people are relatively comfortable with a passport gate scanning our face or a smartphone using our thumbprint. Yet there are many legitimate concerns about the use of biometrics by police forces and privacy concerns about sharing our data. We recently saw the brave protesters in Hong Kong tearing down alleged facial recognition cameras as the regime tried to incriminate those marching against the national security laws. That is just one example of how the technology can be misused. I know that the hon. Member for Bristol North West has a keen interest in that, as he held a Westminster Hall debate on the topic last year.

It is clear that the House will support the Bill and I welcome its progression to the next stage. The dependability of evidence heard in our courtrooms, be they in England, Wales, Scotland or Northern Ireland, is one of the most important things that we can protect as legislators. Without a justice system that we can believe in and that we can trust, we cannot be a thriving democratic country.

I believe that giving statutory powers to the Forensic Science Regulator will help drive up standards throughout the country and I am happy to support that principle today.

11.36 am

**Jane Hunt (Loughborough) (Con):** It is a delight to follow my hon. Friend the Member for Berwickshire, Roxburgh and Selkirk (John Lamont) in this important debate. I thank the hon. Member for Bristol North West (Darren Jones) for promoting the Bill. It deals with an important matter and I welcome the constructive discussions he has had with the Government to address the long-standing and valid concerns about the regulation of forensic science. I also thank my hon. Friend the Member for Bolton West (Chris Green) for his work on the matter in the previous Parliament.

I offer my condolences this morning to the police family following the death of an officer in Croydon. I have passed on my condolences to my local police commander in Leicestershire. The impact of this death will be felt country-wide.

From following crime investigations in my constituency, I know how crucial forensic science is to identifying and convicting perpetrators of some of the most violent crimes, bringing justice to victims and their families and instilling confidence in our criminal justice system. Furthermore, combined with the work of our fantastic police officers, forensic science contributes to the prevention of crime, acting as a deterrent to would-be criminals.

Over the years, crimes from burglary to murder have been solved through the excellent use of forensic science. I have been told by my local police force that they have a very good idea of who is committing a spate of crimes such as burglary, and that they just need the opportunity to prove it conclusively. Forensic science is often the route that achieves that. Constituents have greater confidence in the police and the rule of law in general when arrests lead to convictions that are backed by clear evidence—not only witness statements but forensic science, material or digital.

Indeed, it is encouraging that the latest figures from the crime survey for England and Wales estimate a significant 9% reduction in crime in the year ending March 2020, with a notable 12% fall in theft and a 13% fall in criminal damage. Although that is welcome, more needs to be done to ensure that forensic providers and police forces in England and Wales meet quality standards. As Members across the House have acknowledged, there are long-standing concerns that the UK forensics market is unstable and needs stronger regulation. The current lack of effective regulation has led to several problems, including with quality of service, instability in the private sector and the current market's inability to invest adequately in research and development. That must be addressed if we are to continue to build public confidence in the quality of forensic evidence.

I would like to focus on one issue in particular: quality of service. I welcome the fact that dozens of police forces across England and Wales are making improvements in various areas of forensic science, including fingerprint comparison, crime scene examination and the extraction of data from digital services. However, earlier this year the Forensic Science Regulator reported that only about 30% of forces will be compliant with crime scene investigation standards by October 2020; that digital forensics compliance was likely to be worse than 20%; and that five forces still lacked accreditation for fingerprint services, despite that now being a legal requirement. Furthermore, some police forces and smaller commercial providers have consistently failed to achieve requisite accreditations across the range of forensic disciplines for their in-house facilities. That is a particular problem in digital forensics, and it has become more acute in recent years as the type of crime committed has shifted.

As the Government's 2016 "Forensic Science Strategy" highlighted:

"Police Recorded Crime shows a long-term shift away from 'traditional' volume crime, such as burglary and theft from a vehicle, and an increase in offences with a digital element, such as child sexual abuse and indecent imagery offences. The shift to digital not only enables new types of crime, but also means that traditional volume crimes can be committed in ways that leave a digital as well as a physical trail."

As such, although there has been a decline in demand for traditional forensic science such as DNA and fingerprinting, there has been a significant rise in demand for digital forensics. That is made more concerning by the fact that the accreditation of those who produce forensic evidence must be disclosed in court. The value of evidence produced by a non-compliant laboratory can be questioned by the defence, potentially jeopardising the prosecution. Despite an awareness of those issues, the current regulator has no legal authority to enforce internationally recognised standards and ensure that the quality of forensic science continues to improve.

It is imperative that the regulator can take action when it has reason to believe that forensic science activities creates a substantial risk to the course of justice. I therefore welcome that the Bill would not only put a future forensics code of practice on a statutory footing but give the regulator powers to shut facilities temporarily when it has reason to believe that a person may be carrying on a forensic science activity in a way that creates a substantial risk of adversely affecting any investigation or impeding or prejudicing the course of justice.

Of course, the proposal in the Bill is not new. The Government first committed in 2016 to developing proposals to give the Forensic Science Regulator statutory powers, putting the current remit and the associated codes of practice on a statutory basis and enabling the Forensic Science Regulator to investigate non-compliance where necessary. They also supported the private Member's Bill of my hon. Friend the Member for Bolton West in the previous Parliament. Given that that Bill, unfortunately, fell due to the general election, we must now act swiftly to ensure that the commitment is fulfilled.

It is also worth noting the broad support for reform. There is consensus across the House in the Commons and Lords Science and Technology Committees, and with the National Police Chiefs' Council and the overwhelming majority of stakeholders in forensic science.

There is a clear need to build public confidence in the quality of forensic evidence used in court proceedings to help secure convictions and bring justice to victims. I firmly believe that statutory powers will help to provide that, so I will support the Bill today.

11.44 am

**Scott Mann** (North Cornwall) (Con): First, I commend the hon. Member for Bristol North West (Darren Jones) for bringing forward the Bill and my hon. Friend the Member for Bolton West (Chris Green), who, as we have heard, tried unsuccessfully with a similar Bill in the previous Parliament.

I am far from an expert in forensic science, but I guess the beauty of private Members' Bills and sitting Fridays is that we get a chance to explore things that we would not normally show an interest in. I have spent the last few days going through the Bills, the Select Committee hearings in the Lords and other things.

The Bill establishes the Forensic Science Regulator as a statutory office holder. The regulator can exercise those functions and powers in respect of forensic science activities for the purposes of the criminal justice system in England and Wales. The regulator will be required to publish, and keep under review, a code of practice about forensic science activities, subject to approval by Parliament. Among other powers, the regulator can investigate and take enforcement action in relation to forensic science activities carried on in a manner that risks prejudicing the course of legal proceedings.

Forensic providers for police forces need greater quality control when processing evidence. I know they are fictional depictions, but we see programmes on Netflix or drama shows all the time, where solicitors look at evidence and dig into it further, trying to find a way to say that it was not collected correctly, that it was incorrectly labelled, or that processes had not been properly followed. Although that is a depiction, there is probably a bit of

[Scott Mann]

validity regarding how the process operates, and it makes sense for us to have not poorer quality control, but much better quality control.

I welcome the fact that dozens of police forces across England and Wales are making improvements in areas of forensic science, such as fingerprint comparison data, the examination of crime scenes, and the extraction of data from digital devices. It is vital that the Government act quickly to provide statutory powers, which have been promised for a number of years. I welcome this Bill, which has my full support. There is a clear need to build public consensus and confidence in the quality of forensic evidence used in court proceedings, and the powers in the Bill will help that to happen. Our constituents demand that our systems are robust.

In 2019, the Science and Technology Committee in the House of Lords published a report on forensic science and the criminal justice system that highlighted a number of interesting and informative points. Forensic science has been under sustained scrutiny over the past 10 years, and that complicated discipline interacts with a wide range of fields, including science, policing, government, and law. Clear and deep-rooted challenges have been identified but not addressed, and the inquiry highlighted the importance of effective, robust, and high quality forensic science, and its contribution to the justice system. It also stated that we must enable a world-class forensic science regulator.

Forensic science applies scientific methods to the recovery, analysis and interpretation of relevant materials, providing data for criminal investigations and the court proceedings that follow. For both intelligence gathering and evidential tools, it is vital that we assist the justice delivery mechanisms. Forensic science is traditionally viewed as a collection of different sub-domains that share overarching principles, processes, and activities. Within those sub-domains there are a range of primary aims and variables in the scientific underpinning of those robust methods.

Professor Peter Sommer, Professor of Digital Forensics at Birmingham City university, summed those activities up well. He makes four relevant points. The definition is:

“‘Trace’ or ‘wet’ forensics: where a laboratory carries out...a series of standard tests to identify or match some material found at a scene of crime or associated with an individual...Interpretation: where the result of the examination of the trace is ambiguous but nevertheless some sort of inference or conclusion is desired. ‘Interpretation’ may mean...a statistical probability of likelihood” which leaves the door open to being challenged. His definition also includes:

“Reconstruction of events: where large numbers of different ‘traces’...and testimonial evidence are combined by a skilled investigator who produces a reconstruction of a sequence of events. Examples include road traffic accidents”.

Finally, there is opinion evidence, where an expert looks at a range of circumstances and offers an opinion based on skill, training and expertise.

Forensic science is rather unique, sitting in a nexus of science, law, policy and investigation. It should be viewed as a process that encompasses the crime scene through to court. Professor Claude Roux has said of forensic science that a free society is dependent on the rule of law, which in turn relies on the quality of access to justice. The Lords Select Committee’s report says:

“The evidence we received points to failings in the use of forensic science in the criminal justice system and these can be attributed to an absence of high-level leadership, a lack of funding and an insufficient level of research and development. Throughout this inquiry we heard about the decline in forensic science in England and Wales, especially since the abolition of the Forensic Science Service.”

This private Member’s Bill addresses many of these points. Professor Roux went on to say:

“When I was a student, England and Wales held, essentially, the international benchmark. It was the ‘Mecca’ for forensic science. Some 30 years later, my observation from the outside” was that it had fallen away. In the past 10 years, there have been nine reports, each with numerous assessments of the state of forensic science in England and Wales and recommendations to address some of the challenges. In addition, there have been two influential reports from the United States with similar findings.

Some of the concerns that were raised were that major crimes could go unsolved unless the Government did more to support forensic science, that forensic science provision was under threat because the police were increasingly relying on unregulated experts to examine samples from suspects and crime scenes, and that cost had become a greater factor in the tendering process than quality. There was concern that without statutory powers to enforce compliance, which this Bill introduces, the Forensic Science Regulator could not ensure that science used in the criminal justice system would be carried out to the required standard.

**Kit Malthouse:** My hon. Friend is making a compelling speech and he is absolutely right to point out the vital importance of forensic science in the detection, prevention and prosecution of crime. Does he agree that we must also be careful not to see forensic science as a silver bullet for crime solving but rather as a tool for the police? I am reminded of a story that you will remember well, Madam Deputy Speaker, of the Night Stalker, a gerontophile who plagued south and south-east London for some 25 years, breaking into people’s homes, often those of elderly people, and assaulting and often raping them. The Metropolitan police pursued this man for many years. He was active for a while, then disappeared for a while, then came back and was active again. Enormous amounts of active effort was put into pursuing him on a forensic basis. DNA samples were gathered, analysis was done, and they identified where in the world this person might have come from. Other people from similar demographics were asked to come forward and volunteer their DNA. Still, they failed to find him until there was a rotation of the investigating officer. A new person was put in charge of the investigation who worked out that the police were not actually trying to catch a rapist. They were trying to catch a burglar who happened to rape at the same time. That change in investigative posture meant that they caught him within two weeks. Although forensics can be vital, sometimes they are not the silver bullet people hold them out to be.

**Scott Mann:** As always, I am grateful for my hon. Friend’s knowledge on this subject. He shares my passion for increasing the number of police on our streets and there is nothing greater than the police being out there when it comes to collecting data and evidence. I guess my view is somewhat clouded by the programmes I have watched on television where they solve the crime in an hour; sometimes it takes a little longer. I am grateful to my hon. Friend for pointing me in that direction.

The Lords inquiry considered the contribution of forensic science, and the understanding of forensic science evidence, in the criminal justice system. The Committee examined the scientific evidence base for different technologies and the regulatory framework that underpins the sector, and considered the instability of the forensic science market and research. It held 21 oral evidence sessions, had more than 50 witnesses and received 103 written submissions. The Committee visited the Metropolitan police's forensic science lab on 6 October and observed forensic analysis, including fingerprint analysis, ballistic comparisons and digital forensic analysis.

A couple of things came out of the report that I need to highlight. First, on oversight, leadership and responsibility, and secondly, on research and development. On the culture and environment of oversight within forensic science, a consistent theme that ran through the report was the piecemeal nature of oversight and responsibility for forensic science in England and Wales. Should the Bill pass today—hopefully it will—it will alleviate some of these concerns. The Committee repeatedly heard that the system was not operating as it should and was in a state of crisis, threatening to undermine the justice system.

The Knowledge Transfer Network's Forensic Science Special Interest Group—that is a bit of a mouthful—thought that there was

“a lack of clear leadership, oversight and governance across the wider forensic landscape. A fragmented and weakened marketplace, lack of funding for forensic research supporting the evidence base and a silo approach”.

As we have seen from many other organisations, silos never work well when people are bedded down into them. That led to some regions having different processes from others, whereas consistency is needed right across this thing.

That leads me on to my next point—the piecemeal nature of oversight. As forensic science is fragmented, there are challenges in developing a co-ordinated strategy, a sustainable marketplace and science with a strong theoretical foundation to underpin practice. That piecemeal approach has led to some of the serious and urgent problems facing the sector. Rebecca Endean, director of strategy at UK Research and Innovation, described forensic science as

“probably as disparate as it could be”.

While the Home Office has overall responsibility for forensic science, much of its application is in the courts, which fall under the remit of the Ministry of Justice. The then Minister of State at the Home Office, the right hon. Nick Hurd MP, told the Committee that there were “significant problems” trying to manage that, with one reason being that there had been such a fragmented approach over such a long period of time. He said:

“The response is to support a strategic approach that supports more collective leadership in addressing some of the key capability gaps and identifying the road map.”

He went on to say that he was trying to tackle some of those issues and intended to publish the results of the Government's review into forensic science by the end of March 2019. It would be good to know whether that review was published, and whether Government support for that review led to the introduction of and support for the Bill.

The then Parliamentary Under-Secretary at the Ministry of Justice, my hon. and learned Friend the Member for South East Cambridgeshire (Lucy Frazer), was clear that forensic science lay squarely in the remit of the Home Office, but said that the Ministry of Justice was supporting and assisting the Home Office. On why the Ministry of Justice did not have a greater role, given that forensic science is essentially about ensuring that justice is done, she said

“sometimes it is important for one department to lead on an issue”,

but agreed to think about how the Ministry of Justice could work better with the Home Office on forensic science.

Forensic science in England and Wales is now provided by private companies and the police. The fragmentation of certain aspects of this could undermine public trust. I do not want to see that; I want a consistent approach running through this. It is important to recognise that, with the Policing Vision 2025 and the Home Office forensic science thing, a much more joined-up approach is required.

The sustainability of the police force is vital, and as I have already alluded to in this speech, I am grateful for the investment that we are seeing in supporting retention of police officers and recruitment of new ones across the country. That is vital for me, knowing that my constituents can feel safe in the knowledge that evidence is being collected and sent to the right place.

The other part of the report was on research and development, and there are three main areas where it was felt that increased scrutiny was needed:

“The scientific validity of the approaches used to identify the source of a material or mark, and the challenges in addressing complex mixed provenance samples...The need to understand better the activity of materials to aid interpretation of forensic science evidence...and their implications for reaching conclusions” when reconstructing crime scenes, and:

“Awareness of the importance of human decision-making in the forensic science process and the challenges of identifying factors which can affect judgments.”

In response to a very critical report published in the United States in 2009 by the National Research Council, the then President, President Obama, commissioned a study in 2015 to examine the scientific validity of different forensic science methods, which examined the DNA analysis of single-source and simple mixture samples, DNA analysis of complex mixture samples, bite marks, latent fingerprints, firearms identification and footwear analysis. The report found that many of those methods did not meet the scientific standards for foundational validity.

That was concerning at the time, because those methods were used routinely for court trials and there were concerns in the States that the methodology and pattern recognition in the analysis were a main contributing factor in many criminals' missing out on proper justice. We need to rule out all ambiguity, as much or as best we can, in terms of delivering good-quality judicial practice across the board with evidence collecting. That is what leads me to think that the regulator is required and why I am supporting the hon. Member for Bristol North West today.

The work of the regulator should include advising the Government and the criminal justice system on quality standards, identifying the requirements for new

[Scott Mann]

and improved quality standards, leading on the development of new standards where necessary, providing advice and guidance so that providers will be able to demonstrate compliance with common standards, for example procurement and in the courts, ensuring satisfactory arrangements exist to provide assurance and monitoring of standards and reporting on quality standards generally.

In conclusion, I welcome and support the changes that are being proposed by the hon. Gentleman. I had rather a tour de force running through the forensic science this week, and I have really enjoyed it. It has been very interesting. The Bill has my full support today; I will be voting for it and I hope to see it make progress through the House.

12.3 pm

**Craig Williams** (Montgomeryshire) (Con): It is a great pleasure to follow my hon. Friend the Member for North Cornwall (Scott Mann), and I join him in the journey of forensic science that I have taken this week. It is a great pleasure to take part in private Members' Bills debates on a Friday journey through topics that I might not have been expert in earlier in the week.

I pay particular tribute to the hon. Member for Bristol North West (Darren Jones) not only for the way he commended the Bill to the House and the tone he has taken, but for the cross-party support he has built. I know my hon. Friend the Member for Bolton West (Chris Green), who is not in his place now, did a lot of work in previous Parliaments and I know they worked together to build this consensus. To see the Government and the Treasury Bench today commending the Bill with all gusto to Committee stage speaks volumes for the way the hon. Member for Bristol North West has taken the Bill forward to date, and I look forward to giving it my full support.

It is worth reflecting that the regulator, the National Police Chiefs' Council and the overwhelming majority of stakeholders in forensic science are commending the Bill and pushing for it. Like my hon. Friend the Member for North Cornwall, I do not claim to be an expert in forensic science, but when we have that weight of stakeholders pushing for a Bill, it speaks volumes to the House. The Commons and Lords Science and Technology Committees also did a lot of work in this sphere and they have commended the Bill, and, as other Members have said—Madam Deputy Speaker, I know that the temptation on a Friday with private Members' Bills is for repetition, repetition, repetition. My hon. Friend the Member for Bolton West has touched on much of the detail, so I hope I will bring alive some of the more practical aspects of the Bill and why it is so important, and I do not—I see you rising to your feet anyway, Madam Deputy Speaker, but I was hoping you would not.

**Madam Deputy Speaker (Dame Eleanor Laing)**: As matter of clarification, specifically because this is only the second day we have had private Members' Bills when a large number of new Members have been able to participate, repetition is not in order—persistent and constant repetition—but that rule applies to repetition by one Member in one speech, or during one debate. I am sorry to tell the hon. Gentleman and the House that the Chair has no power to stop a Member repeating what another Member has already said. Indeed, as has

been observed on many occasions, it is often the case in this Chamber that everything that can be said about a particular subject might already have been said, but not by everyone, so the hon. Gentleman is not straying from the rules.

**Craig Williams**: Thank you for that clarification, Madam Deputy Speaker. That enables me to talk on so many more subjects than I had planned to, but let me accept my own challenge to say something different. I want particularly to look at what Dr Tully, the Forensic Science Regulator, has said about the Bill, commending and reiterating the need, as has been recognised on the Treasury Bench, for statutory enforcement powers to protect the criminal justice system. It was quite a hard-hitting report, released earlier this year, which commends the Bill and the statutory powers.

The Minister has touched on the effect of an earlier statutory instrument that was brought to the House. Police forces are likely to step up very quickly should the Bill move through the House at pace. The SI that transposed EU law into UK law on 25 March 2019 led to an increase from 9% to 90% in fingerprint and DNA analysis in just a few months. That demonstrates to the House the worthiness of the Bill, and that it will turn into action incredibly quickly.

**Kevin Hollinrake**: My hon. Friend mentioned that the regulator is keen on the Bill. Should we not be a little concerned and cautious when regulators seek to give themselves statutory powers? We should bear it in mind, for example, that the Financial Conduct Authority has an annual budget these days of £597 million. Regulators are always keen to seek more statutory powers. As has been said earlier, the costs of these bodies all end up landing back on the consumer somewhere.

**Craig Williams**: My hon. Friend is correct. I see this more as the exception than the rule. I alluded earlier to the consensus across a wide range of stakeholders, and I would not dare to rise to my feet in his presence and recommend something purely based on what a regulator said, but this is about the weight of stakeholders, alongside the regulator—who on this occasion is correct, in my judgment—encouraging us to do something.

I want to reflect on some live cases. We have heard today about the county lines raids happening across the UK. This is extremely welcome. County lines leave a scar across our country, but are felt most extremely in our rural communities, small villages and towns. I pay tribute to all the forces that took part in the raids conducted today and to the National Crime Agency. The raids lend themselves to showing the importance of the Bill, because they involved 43 regional forces in England and Wales and forensic science will play a huge role in turning those 1,000 arrests into convictions.

**Kit Malthouse**: I am grateful to my hon. Friend for raising that issue. He is quite right. I point out the critical role that forensic science will play in that exercise. By the appliance of science, as they say, we can connect telephones used for the prosecution of the drugs trade to people who previously thought they were anonymous to the extent that within sometimes just a few days of being notified of a number that has been used for the promotion of the drugs industry in a particular town or area, we can be through the door of that person, who is sometimes at two or three removes from the dealer.

**Craig Williams:** It is extremely rewarding for my constituents who deal with that day in, day out to see the scale of the arrests today—more than a thousand. Again, I pay tribute to those officers. As the Minister alluded to, forensic science plays a huge role in the intelligence gathering and the prosecution of those evil people who commit such offences on vulnerable people across our constituencies. We need standardisation to ensure the quality of the forensic science that the Bill and statutory powers would provide.

**Richard Fuller:** My hon. Friend is right that no hon. Member would want to give any solace to those evil people, as he puts it, but it is also the case that the Government are involved in those issues, and they are not always the beneficent wonderful huggy bear of an organisation that our socialist colleagues opposite sometimes seem to think. My concern, which was provoked by the Minister's response, is that giving the standardisation a statutory underpinning would not only create equivalence across agencies, but be a back-door way for the Government to extend their powers and the investigatory authorities against local police forces that may not think that wise.

**Craig Williams:** My hon. Friend brings a sobering note to the debate. Clearly, we need the powers and the standardisation of the quality of evidence to ensure that our constituents are protected, but Parliament, having put them on a statutory footing, needs to keep playing an active role to watch that the fears that he describes do not arise. I would say that about any power that we give to any colour of Government.

To stick to my practical points, I underpin what I was saying about the county lines raids and welcome the quality of evidence. The Bill will bring more power to the persecution of those evil people. I also pay tribute to my force, Dyfed-Powys police, and its trailblazing efforts in forensic science, which have seen cow DNA used for the first time in a conviction earlier this year. Any hon. Member who represents a rural agricultural community will know that forensic science is changing the way that we police our great countryside and shires.

A farmer in Dyfed-Powys lost a heifer in 2017. Like any good farmer, he soon recognised it in a neighbouring field but of course could not prove it, and the case went on with Dyfed-Powys police for some years. Luckily, a breakthrough in forensic science proved through DNA sampling that the lost heifer, which was next door with a naughty neighbouring farmer who happened by chance to find that obviously prize-winning heifer in his field and who produced a fake cow passport and, indeed, fake tagging, was his. He was reunited with his cow and there was a successful prosecution. I am pleased to tell the House that there was a £4,000 fine and £500 in costs. It was indeed a very moving occasion for all of us in Dyfed-Powys.

**Kit Malthouse:** I am grateful to my hon. Friend for making, in a charming and agrarian way, a very important point about us having confidence in the forensic system. Forensic science is advancing all the time, and that holds particular promise in the area of cold cases. Those are cases where crimes—often heinous crimes—have been undertaken, but the evidence is just not there, and forensic science at the time had not reached a position where it could help with the prosecution. Often, the passage of time results in the deterioration of other

evidence, such as witness evidence—people's memories go, or the witnesses to a crime are not necessarily present—but the forensic evidence remains. The development of techniques that allow us to re-examine that evidence and put convictions in place is vital, and that requires a level of assurance and quality.

There is no case more illustrative than the conviction of the killers of Stephen Lawrence. Developments in forensic science led, 18 years after that heinous crime, to the analysis of one particular spot of blood on some clothing that was retained, which then led to the conviction of the individuals. While I acknowledge my hon. Friend's quite sane, sensible and principled concern about state action, I remind him that, in this place, we regard the law as our protection, and often it is the absence of law that leads to the kind of state musculature that he is concerned about.

**Craig Williams:** I echo the Minister's words: there is no crime too small or too large in this country that will not be helped to be solved by this incredibly important Bill and the underpinning of the quality of evidence.

I will conclude by paying tribute again to Dyfed Powys police. They not only led the UK—indeed, maybe the world—in the conviction of that particular naughty farmer who pinched the heifer, but they did the same with stolen sheep in 2017. These crimes are incredibly important to rural Wales and rural UK. The Minister mentioned some severe and heartbreaking crimes. In agricultural crimes, we will be able to turn on the criminals because of forensic science, if we can get the quality and the assurance right, so that wherever they are, no sheep rustler will be safe.

12.17 pm

**Julie Marson** (Hertford and Stortford) (Con): It is a great pleasure to follow my hon. Friend the Member for Montgomeryshire (Craig Williams). Before I address the provisions of the Bill, I would like to echo the words of the Minister in his point of order before the debate. As I have said in the House before and no doubt will say again, my father served in the Metropolitan police for more than 30 years. He was able to retire to his family. After last night's events, one police officer will not be able to do that. That hurts our country, it hurts this House and it hurts the police family, of which I am a part. It also underpins what we are talking about today. We send police officers out in all circumstances for all sorts of reasons, and they deserve a criminal justice system and a Forensic Science Regulator that underpin what they do and the risks they take.

I very much welcome the Bill, and I congratulate the hon. Member for Bristol North West (Darren Jones) on promoting it. I also thank my hon. Friend the Member for Bolton West (Chris Green) for his work and welcome the cross-party debate and work to get this Bill into law. I welcome the establishment of the Forensic Science Regulator as a statutory office holder, which underpins the service very effectively. Cost is a valid issue to debate, but the value of this to victims and also to the accused, where we can adduce evidence to prove their innocence, is worth an investment of some magnitude, particularly given the advancement of science in this area.

I welcome the fact that the regulator will be able to exercise its functions across the justice system in England and Wales, and that the Bill includes a power for the Secretary of State to extend its remit by regulations if

[Julie Marson]

necessary. I also welcome the fact that the regulator will be required to publish and keep under review a code of practice, subject to the approval of Parliament, which of course is very important in itself. Among its other powers, the regulator will be able to investigate and take enforcement action in relation to forensic science activities carried on in a manner that risks prejudicing the course of legal proceedings.

As I say, I am the daughter of a police officer. My dad did not really get involved in forensics, but he was involved in the technicalities, I suppose, of trying to solve crime. I remember him telling me about a man who was accused of murdering his mother. The man said he was at work at the time; that was his alibi. My father had to test that alibi by doing the relatively simple thing of finding a similar car and driving around, from the man's workplace to the murder scene, to see whether it was possible to for that to be a workable alibi. He said it was not. The accused was never convicted, but my father always took the view that he got away with it on that occasion.

I think it is clear to us all that technology is advancing so much that the legislative framework needs to move, too. The point was made that biometrics is a whole new issue that perhaps needs to be included in a wider study. There are studies going on, and I welcome the fact that we will look at biometrics—the risks, the opportunities and the management of the data associated with it; the issues of privacy and civil rights that go along with that—in another forum and bring this all together in another Act.

As I say, I have had experience as a magistrate, albeit not as much as I would if I were sitting in the Crown court. Forensics has a fine history in this country, and we see it in our courts every day. It surprises me that fingerprint evidence was first accepted in British courts as long ago as 1901, which seems very early, although I suppose in the scheme of things it is almost unbelievable that we have moved on as far as we have.

The “jigsaw murders” were the first complex case solved by DNA evidence, back in the 1930s. The accused was the improbably named Buck Ruxton of Lancaster. The details of the case are not pleasant—although perhaps they are not as grisly as the Minister's German hands incident—but it serves to emphasise how long this has been an issue. Forensic techniques were used in examining the cadavers; the life cycle of maggots was adduced to help prove where and when the victims were murdered, and other forensic techniques were able to prove that the victims were linked and that Dr Ruxton had killed them both. I am told that that case is very well known in forensic circles and that it is quoted often.

Let me fast-forward 50 years to the 1980s and a case that is much more famous for us all: the terrible story of two 15-year-old girls. The first girl took a shortcut on her way home from babysitting instead of her normal route home. She did not return. After a long search by her friends and neighbours, she was found raped and strangled on a deserted footpath. Using the techniques available at the time, police found that a sample taken from her body would match only 10% of males, but there were no other leads. As the Minister pointed out, good policing is still at the core of what we do, but there was a dead end for the police at that point.

Not long after, a second 15-year-old girl went missing. Two days later, her body was found in a wooded area, also savagely beaten, raped and strangled. The DNA evidence matched that of the first attack. At that point, a suspect was identified—a 17-year-old boy with learning difficulties who, under questioning, admitted to one of the murders.

Just after that, Alec Jeffreys, a genetics researcher at the University of Leicester who had developed DNA profiling with Peter Gill and Dave Werrett of the Forensic Science Service, did some more analysis. Using their techniques, Jeffreys compared samples from both murder victims against a blood sample from the 17-year-old boy and conclusively proved that both girls were killed by the same man, but not by the young suspect. He became the first person ever to have his innocence established by DNA fingerprinting. We cannot under estimate how important that is to the justice system. It is not just about convicting the guilty; it is about proving the innocence of people who might not otherwise have the capacity to do so themselves.

In an interesting twist, about a year later a lady overheard a man in a pub boasting that he had given a sample. Men in the area had been asked to offer samples and 5,500 men did so. The man said, “I did it for my mate because he didn't want to get involved.” She reported that to the police and that man was the perpetrator. He was convicted of a double murder and, thankfully, is still in prison to this day.

DNA fingerprinting and forensic science have a long and esteemed history in our justice system. Long may it continue, and long may it continue underpinned by this Bill. Even yesterday, we could read in the paper about a burglar who was recently convicted of burgling an elderly man's house. The police found a half-eaten biscuit at the scene of the crime. Who leaves a biscuit half eaten anyway? I don't understand that! [Interruption.] The greed of the perpetrator meant that not only did he steal from the elderly gentleman, but he raided the cupboard and left a biscuit on the side. That enabled the police to capture his DNA and to capture another prolific burglar. It is a terrible, violating crime. The burglar was imprisoned just a couple of days ago because of that good work.

**Kit Malthouse:** My hon. Friend is giving a fascinating tour de force on the history of forensics. She is quite right about the history, and it goes even further back. I know she will recall—although not because she was present—the celebrated case of Dr Crippen, who was alleged to have murdered his wife and fled to the United States. On searching his home, the police found a torso under the floor of the house. Pathologists were unable to identify whether it was male or female. No limbs were ever recovered, the head was gone, and many of the bones of the skeleton had gone. However, on the torso there was a scar that was deemed to be commensurate with medical attention that Dr Crippen's wife had undergone. Although there was some debate about the scar between the scientists, along with some critical forensic evidence concerning a fragment of pyjama, it led to his return from Canada and the United States, where had fled, and to his eventual conviction and execution.

**Julie Marson:** I thank my hon. Friend for relaying that story. We talk about “CSI” and so on, but it goes to prove that there is nothing so fascinating as real life. We cannot escape the fact that real life is sometimes stranger than fiction.



My hon. Friend the Member for North East Bedfordshire (Richard Fuller) asked what biscuit it was. It was a Lebkuchen, apparently—the devil is in the detail.

When we evaluate forensics, we have to establish the evidence, both good and bad, and there have been examples of mistakes. Back in 2012, scientists, lawyers and politicians raised concerns about the quality of forensic evidence testing, arguing that the criminal justice system had become too reliant on lab tests without realising their limitations, which is certainly something we need to guard against. One man became the victim of those mistakes when, in the early hours of one morning, he had a knock at the door from the police, who told him he was being arrested for murder. When he asked what evidence there was against him, the police said that it was his DNA. He spent eight months in jail because of that mistake, before the DNA sample was found to be only a partial match and of very poor quality. Subsequent experts said that he could not be ruled in or out, and he was acquitted. It is therefore important that DNA should absolutely be up to the standards that we would expect of a robust and fair criminal justice system.

It is not just in the UK that potential issues with forensics can arise. In the US, the misapplication of forensic science in the form of DNA evidence contributed to 45% of wrongful convictions, while false or misleading forensic evidence was a contributing factor in 24% of all wrongful convictions nationally, according to the National Registry of Exonerations. That includes convictions based on unreliable or invalid forensic evidence, misleading expert testimony, mistakes made by practitioners and, in some cases, misconduct by forensic analysts. In some cases, scientific testimony that was generally accepted at the time of a conviction has since been undermined by new advances in scientific disciplines, which can cause real difficulties in getting a case back into court. Changing science is a phenomenon that I know is taking up much of the attention of some colleagues across the House, for different reasons, but it is really important in the context of this Bill.

It is important to humanise this issue because, as I hope the examples and anecdotes that I have described show, although it can seem very technical, it has real human consequences. There is also public interest in the UK becoming a pioneer in forensics and using it more and more in investigations, which is inevitable. The science is advancing at pace, and there is a new discovery around every corner. However, we should still consider the potential of human error to slip into diagnostics involving forensics. Owing to that interest in our leadership in this field, it is great that this House is looking at how to establish the correct legislative framework to manage those advancements sensibly. I am therefore pleased to speak in favour of the Bill.

12.33 pm

**Brendan Clarke-Smith** (Bassetlaw) (Con): It is a pleasure to follow my hon. Friend the Member for Hertford and Stortford (Julie Marson). I congratulate the hon. Member for Bristol North West (Darren Jones) on introducing this excellent private Member's Bill. I have learned so much about forensics today that I did not know before, and the contributions from my hon. Friend the Member for Bolton West (Chris Green) have also greatly informed that.

During lockdown, many of us had to make a lot of changes for entertainment. One of my most enjoyable activities was a weekly Zoom quiz, but lockdown also gave many the opportunity to catch up on a bit of TV. I have been glued to the new “Cobra Kai” series on Netflix—a bit of an '80s throwback—but I also managed to stumble across an old favourite of mine, “Quincy, M.E.”. For those who have never watched it before, it follows the exploits of a forensic pathologist who works for the police in Los Angeles, helping them to solve all manner of crimes. It was a groundbreaking series when it was first launched in the late 1970s, although nowadays many crime dramas are based on concepts similar to those that we have been discussing in the Chamber today. One of the things that always made me smile was that Quincy seemed to spend more time in restaurants and bars chatting to people, and would usually send his excellent assistant Sam off to the laboratory to do most of the actual work.

“Quincy, M.E.” stoked a real interest in me in the nature of forensics and the huge contribution it can make to police work in what has effectively become a new age of fighting crime. Forensic science has made it possible to investigate crimes that we once thought unsolvable, and has given hope to those seeking justice in historical cases.

Science and technology will drive this country's economy forward, and I am delighted that we are investing in them. Earlier, we heard from my hon. Friend the Member for Grantham and Stamford (Gareth Davies), whose constituency boasts a very famous female chemist, of whom I am very fond. We hope that such things will help to raise the profile of forensics. I am a former school teacher, and I would like to see more girls taking science, technology, engineering and maths; that is something that we really need to encourage.

Questions should be asked about the regulation and accreditation of such activities. Forensics is now widely used, so this Bill is to be welcomed. We want to ensure that the police, and the prosecution and defence in criminal proceedings, are adequately, sustainably and proportionately served by the high-quality scientific analysis of relevant evidence. That point was excellently made by my hon. Friend the Minister.

As it stands, the Forensic Science Regulator has no powers of enforcement, which is why we need to put it on a statutory footing. Although most of the services are completed in-house, an increasing number of small and medium-sized enterprises are providing them. Giving the FSR statutory powers will help to achieve consistency and will assist in the process of accreditation. It is also sensible to look at the assistance that can be given to smaller providers to help them meet the financial cost of accreditation.

**Chris Green:** Given recent events—some of the providers have failed—does my hon. Friend agree that having more comprehensive provision and more providers will enable a more resilient service? The excess capacity that could develop within the system would ensure that, if a problem arises in the future, other providers can cope with it.

**Brendan Clarke-Smith:** My hon. Friend is absolutely spot on in his analysis. One of the joys of the free market and allowing businesses to thrive is that they can contribute and give us a wide base of providers. I

[Brendan Clarke-Smith]

fully endorse what he says. That very much forms part of the structure that we are looking at, which the Bill will hopefully strengthen. Standardisation will help us to move towards a more efficient system. I am delighted that the National Police Chiefs' Council also supports this proposed legislation.

Going back to "Quincy, M.E.", I cannot remember a single case being thrown out because the laboratory was not up to the correct standards or because people were not sure of Quincy's credentials or the competence of those undertaking the work—as I said, Sam was very good, while Quincy was having his coffee or whatever it was—but we live in a very different time from the 1970s and '80s. Digital forensics now plays a highly important role in police work. I was an aspiring computer programmer once upon a time, on my Amstrad, typing in BASIC, which is now completely obsolete, of course. I am having to relearn things.

Non-accredited labs are open to far more challenge. We can be proud that we have high standards in the UK, but a move towards a statutory, regulated service would help to build on that and reduce the potential for any challenges to be made in court. We do not want to be losing cases on technicalities, and this Bill will help to prevent that.

I very much welcome the Bill. I thank the hon. Member for Bristol North West once again for introducing it, and everyone else for their contributions.

**Madam Deputy Speaker (Dame Eleanor Laing):** I call Richard Fuller.

12.39 pm

**Richard Fuller** (North East Bedfordshire) (Con): You have caught me, Madam Deputy Speaker.

**Madam Deputy Speaker (Dame Eleanor Laing):** To allow the hon. Gentleman time to catch his breath, I will just say that I think the hon. Member for Bassetlaw (Brendan Clarke-Smith) has just made the shortest speech on a Friday that I have heard, although it was none the less effective.

**Richard Fuller:** Let me assure you, Madam Deputy Speaker, that I shall not be following that example. On the issue of brevity, I am sure that, like me, you were hoping that my hon. Friend the Member for Christchurch (Sir Christopher Chope) might be persuaded away from his characteristic brevity in Friday sittings to give a peroration of some length about his scepticism with regard to the Bill, but alas he was resolutely brief in his comments today. Perhaps I can make up for his brevity too in my contribution.

I add my congratulations to those already given to the hon. Member for Bristol North West (Darren Jones) for introducing the Bill, which apparently has wide support across the Chamber. I see no reason to stop it progressing to the next stage and wish him well as it goes through the further deliberations. I am grateful to him for clarifying the parts of the initial Bill which, on consideration, he has thought best to leave to others. As he rightly says, and as the Minister has said from the Front Bench today, the Government themselves have some ideas, coming from the manifesto, to implement and that will help the good passage of the Bill. The

willingness on the part of the Bill's promoter to listen and to be collegial with the Government will ensure that this Bill becomes the law of the land.

Notwithstanding that expectation, let me set out some reasons for caution and concern. My reasons for caution have been exacerbated and enhanced—brought to a higher peak, one might say—by some of the contributions from my hon. Friend the Minister. He exhibited in some of his comments an uncharacteristic enthusiasm, perhaps some would say a worrying desire—

**Kevin Hollinrake:** An obsession.

**Richard Fuller:** I would not go quite as far as saying it is an obsession, but there is certainly an interest in the Home Office in an authoritarian streak that we should be a little worried about. Contrary to what my hon. Friend the Member for Bassetlaw (Brendan Clarke-Smith) said about the benefits of regulation and a statutory underpinning in bringing forward efficiencies, my experience of regulation and statutory intervention in other markets is that they can have the effect of stifling innovation and putting to the back those who wish to challenge the *modus operandi*. My hon. Friend the Minister has come forward with a number of interesting stories, but he spoke with such zeal that perhaps he might help me when he responds to the debate by extolling the fact that the Home Office is strongly behind civil liberties in this country and sees no reason in the Bill for my concerns on that front.

**Kit Malthouse** *rose*—

**Richard Fuller:** I see that my hon. Friend is prepared to intervene to reassure me.

**Kit Malthouse:** I am more than happy to give my hon. Friend that reassurance. I come, I guess, from the point of view of the Thomas More philosophy. I think it was Thomas More who said:

"This country is planted thick with laws, from coast to coast". He then asked whether, if those laws were chopped down, "you really think you could stand upright in the winds that would blow then?"

I understand my hon. Friend's caution about greater regulation, but these are matters of sensitive intrusion into personal freedom by the state. In those circumstances, I believe they are warranted in the cause of freedom and, as I said earlier, to shield us from an over-mighty state; to regulate, not only for a well-tempered market for provision but so that everybody, when they are presented in court before 12 of their fellow citizens for adjudication on their crimes, knows that the evidence is presented to a quality and standard in which we all, including them, can have confidence.

**Richard Fuller:** How impressive it is to hear a Minister from the Front Bench quote so directly from the classics! We usually only hear that from either my right hon. Friend the Member for South Holland and The Deepings (Sir John Hayes) or the Chancellor of the Duchy of Lancaster and Minister for the Cabinet Office, my right hon. Friend the Member for Surrey Heath (Michael Gove). To welcome the Minister to that pantheon of classic scholars, I congratulate him.

Maybe I can probe the Minister, or maybe provoke him, a little bit more on the Government's view of the Bill. There seems to me to be some incongruity between

exhortations about the independence of our police force from the interference or directions of the Home Secretary, which to a certain extent are part of the motivation for the Bill to achieve standardisation, and the use of a regulator to perform that enforcement through other means. Either we want the police to act independently and to make their own local decisions, or we wish to regulate and enforce them. I hope that how the Government, in providing a statutory underpinning to what is still, as all have observed today, a new—I guess that if “Quincy, M.E.” was in the 1970s, it is not that new—and rapidly progressing area of forensics, seek to balance the independence of the police with regulations can be considered in Committee. It is reassuring that there is such a broad consensus, including from the National Police Chiefs Council which indicates quite a wide range of support among our professional officers, that the statutory underpinning can be beneficial and a valuable aspect to bring forward.

The Minister and the promoter of the Bill will have heard the concerns raised initially by my hon. Friend the Member for Christchurch about the escalating costs of regulation. That is an issue I wish to return to as we look more broadly at the way in which regulators take their existing powers and, over time and usually with very little regard and oversight from this House, seek to extend their powers and expand their budgets. That is a matter I would like to bring to the attention of the Minister and perhaps he can refer to it in his remarks.

Before that, I would like to draw the attention of the House to some thoughts on this matter in the US. In particular, I do not know if the Minister has seen the “Seton Hall Law Review” paper by Professor Simon Cole at the department of criminology at the University of California, in which he cites some of the general problems with American forensic science and talks about the issue of standards. He also mentions 14 other problems with forensics, as they emerge in the United States. I would be interested to know if the Minister or the hon. Member for Bristol North West will consider them as we move forward. For example:

“Forensic science is inadequately resourced by governments to do what is asked of it.”

We are looking today at what the costs may be of providing a statutory underpinning, but are police forces comfortable that they have sufficient resources?

“Forensic science is insufficiently connected to “mainstream” science or “national science assets.””

The Government have a very strong agenda on promoting their data strategy. They have a very strong agenda on research and development, with significant increases in public expenditure, support, research and development. I would be interested to know whether the Minister has any thoughts, as we look at the Bill and at the future for forensic science and its application to law and justice, on whether the Government see a role for Government policy in that area.

Other problems were raised in “Seton Hall Law Review” paper:

“Forensic science testimony and reporting often over-claims—that is, overstates the probative value of the evidence.”

We have had a tour de force today about dead hands being transported from Germany, and about lebkuchen in forensic science—is that right? Not pfefferkuchen?

[*Interruption.*] Okay, just to be clear on our kuchen. We must remember that one kuchen is not the same as the next. Is there a sense in which regulatory underpinning will enhance or evaluate whether forensic evidence is being used in a fair way in the judgment of cases?

The Minister himself spoke about the 12 citizens in a jury. If we are presented with forensic information about which we, if we are called on to a jury, have very little personal understanding, but it is presented with such authority and from a body that has a statutory underpinning, do we give more authority to that evidence than perhaps the evidence itself warrants? Have we investigated whether this doubling down on the potential value of forensic evidence is perhaps taking one strand of evidence and giving it a more forceful value in the deliberations of a jury? We must admit that, when we consider certain areas, we just look at the expert and think, “Well, they’re smarter than I am—they must be telling the truth. It’s a science and I don’t really understand it, but I know that I’ve seen it on TV.” In fact, in addition to “Quincy, M.E.”, there are 112 other TV shows and movies related to forensic science.

**Kit Malthouse** *rose*—

**Richard Fuller:** Perhaps the Minister has watched all of them and can advise us.

**Kit Malthouse:** I understand the issue that the hon. Gentleman is raising, but he surely cannot believe that faulty or non-standard forensic evidence should be tolerated within the judicial system or that we should have no sense of regulation or, indeed, standards that need to be adhered to. Of course, he will also recognise that while forensic evidence, underpinned by statutory codes or otherwise, is entered into court as evidence, it is still subject to challenge, as is the skill, the technique and the science used, by defence counsel or, indeed, prosecution counsel, when it is entered in. It is part of our adversarial system of justice that, whatever evidence is put in is still open to challenge and is not taken as definitive, and it is then for the jury to make a judgment. If forensic evidence is offered and it is from an accredited organisation, which is reaching a certain standard or not, then we would hope that had some weight with the jury, but it does not absent it from challenge by the defendant’s counsel.

**Richard Fuller:** The Minister makes some very sensible points in rejoinder. Let me see if I cannot unpick some of them, although generally I agree with him, if I may say so. The point that I am trying to make, in the context of evidence being under challenge in a court, is that if the audience—in this case, the jury—does not have specific scientific knowledge and has been in a culture where forensic science is seen as always on the side of the good guys and always trying to do the right thing, and it is presented with evidence that has the authority of a statutory underpinning of standards, we are doubling and trebling down on the scale of what a defence barrister has to do to overcome the presumptions of a jury that is saying, “Oh well, it’s evidence, it’s expertise. I’ve seen it on TV and therefore it must be right.” My concern is that, with this marginal move to provide a statutory underpinning, we are in a sense giving another stamp of validation that makes precisely the challenge of juries, which he is saying is so important, a little bit more difficult.

**Darren Jones:** To give the hon. Gentleman a little comfort, the case that he makes will in fact be resolved by this Bill. The issue we have today is that when evidence is presented, the defence can say that it came from a provider that is not accredited compared with a provider that is accredited, because there is a lack of standardisation. The Bill, in enforcing standards, will mean that the very question being put to the jury is resolved because all providers will be accredited as opposed to some versus others.

**Kit Malthouse** *rose*—

**Richard Fuller:** I will give way to the Minister and then respond to both hon. Members.

**Kit Malthouse:** To amplify that point, my hon. Friend and I may be drawing the line in a different place, but presumably he does believe that anybody who attends as a witness at court to present forensic evidence should have some kind of scientific qualification that is certified and held as a standard, and which therefore underpins the expertise they are giving? Presumably he does not think that anybody could walk in off the street and present forensic evidence. There needs to be such a regulatory hurdle, as it were, before they are allowed to appear as an expert witness. I guess what we are saying, as the hon. Member for Bristol North West (Darren Jones) said, is that we would like to get to a situation where the question in people's minds about whether these people are amateurs, cowboys or actually know what they are doing—on both sides, because do not forget the defence can present opposing forensic evidence should it so wish—is settled earlier.

**Kevin Hollinrake:** Will my hon. Friend give way?

**Richard Fuller:** If I may, I will make some progress and then give way.

Let me try to share a little bit more of my concern. Of course, I understand what the Minister and the hon. Member for Bristol North West are saying. I do not doubt that people coming in should, in principle, have qualifications personally. I am not anti-expert, for want of a better phrase, but I do not agree with the Minister because I want all doubt to be eliminated from the jury about whether the person making such claims is speaking with ultimate authority.

This is precisely my point: we are all fallible, and even the best methodology is fallible. There are many instances where the best evidence of the time was presented and there was a huge miscarriage of justice. There is, I think, a sentiment among us that we think experts are experts and that science and data are fantastic. We have cultural impressions that reinforce that. My concern is that the Bill is taking us even further on that. If we are going even further away from the understanding that whoever is in front of us is subject to human failings when we are talking about complex issues, I find that somewhat more alarming than perhaps the Minister does.

I do not think that is a particular fault of the Bill; I raise it as a concern about how we operate in a much more complex world, and the jury system needs to be suffused with doubt about human intentions in the information presented. If we do not have that doubt, innocent victims will never get the full benefit of the judicial system. That was my point.

**Chris Green:** My hon. Friend makes a really important point about the quality of evidence and expertise. That was covered in the forensic science regulator's report, published earlier this year, which talked of:

“Implementation of quality standards is a means to this end, ensuring a systematic approach to scientific validity, competence and quality.”

The report therefore covers the regulator's approach, and the report produced in the Lords last year touched on such concerns in a more robust way. I think that what we are trying to achieve in this area will reinforce and improve the situation. There is also the perspective that there ought to be better briefing and understanding within the system, so that, in fields where there may be a variable quality or understanding of certainty, that is explained as a trial makes progress.

**Richard Fuller:** If I may say, that contribution from my hon. Friend has been one of the most valuable. He talked about how the Bill, in providing a statutory underpinning, will provide an opportunity for those listening to evidence to have more of a structure for what they are hearing that is completely independent from the case at hand. I am grateful to him for raising that.

I would like to move, if I may, in the second quarter of my contribution—or the second half of my contribution—to the broader issue of Parliament, regulators and the way in which we review the powers we give to regulatory agencies. Notwithstanding how a regulator is welcome in this particular sense, there are broader issues at stake about what Parliament and Government do next with regulators.

I point out to the House that this regulator will, I presume, be responsible to the Home Office—I hope so, because that is the only Department for which I have the data to hand—but 30 agencies already report into the Home Office, and that is of 413 agencies and other public bodies listed on the gov.uk website, all of which have an array of statutory or other regulatory enforcement powers. I ask hon. Members to consider when was the last time any hon. Member conducted a thorough review of any one of those agencies.

**Kit Malthouse:** I hesitate to intervene on my hon. Friend, but I think that in the early days of the Cameron Government, Francis Maude, the then Chancellor of the Duchy of Lancaster, undertook a thorough review of all bodies and quangos across government and consequently reduced the number significantly.

**Richard Fuller:** Indeed, he reduced it to the 413 I just mentioned. Heaven knows what it was before. It is evident that although the number may have reduced, parliamentary oversight has not improved. As politicians, we are far more interested in looking forward to the new and the additive than in looking in the rear view mirror to see how well the agencies we have already created are operating and whether they are keeping to their original scope. Are they implementing the powers that they have, whether or not statutorily underpinned?

**Kevin Hollinrake:** The debate is not about the wish to raise standards—we all want to raise standards—but the method of doing so. I return time and again to the Financial Conduct Authority and its complainant body,

the FOS—the Financial Ombudsman Service—which represent a collective cost to the taxpayer of £837 million a year. Who would say that the financial services industry was well regulated, bearing in mind the succession of scandals involving particularly the banking sector in the past two decades?

**Richard Fuller:** My hon. Friend is very knowledgeable about those matters and he cites one of what I think may be many examples of where regulators continue to act, but we as a Parliament, having devolved those powers to them, pay them scant regard. I am afraid that it is not in the nature of Members of Parliament to be interested in what they have done, but to be oh so very interested in what we shall do. Perhaps the Minister will reflect on that. The Institute of Economic Affairs is undertaking a study on regulating the regulators. I encourage hon. Members to look at that work and perhaps participate in that organisation's efforts.

Several hon. Members have rightly raised the costs that will be imposed on our police services. I am interested in whether the Minister will say whether he anticipates that making the powers statutory will put additional costs on our police services and what his answer to that is. We know that costs will increase from £100,000 to £400,000. Will the Minister confirm that that is the current figure and whether he anticipates that it will increase? I would also be interested to know whether that includes the cost of compliance and enforcement. If we put the powers on a statutory footing, is the £400,000 estimate supposed to cover all the enforcement actions and the regulator's investigatory requirements, or will that require an additional amount of money? I am concerned about the additional costs that we may incur.

Putting a regulator on a statutory footing is not a panacea. It does not assure us that errors will not be made. Another concern is that if several police forces are consistently found to breach statutory guidelines, will that information become evidential in courts that other forensic evidence from those forces should be viewed as not up to standard? I am worried that the change will have unintended consequences, and I would like the Minister to reassure me about that.

Sadly, I know that I have to end so that other hon. Members can participate. I would like to go on—and on—but I hope I have raised a couple of points, perhaps from a slightly more sceptical point of view, that other hon. Members in their brevity did not have the opportunity to make. I wish the hon. Member for Bristol North West the best of luck with the progress of his Bill.

1.4 pm

**Shaun Bailey** (West Bromwich West) (Con): I start my comments by paying tribute to police officer who we lost last night. It is always a tragedy when that happens. We cannot forget that ultimately our police officers are heroes, and we need to ensure that they have protection as they go out on that thin blue line, fighting to protect us all. In doing so, I also pay tribute to my police force, West Midlands police, and in particular our police in Sandwell, who have been doing a fantastic job in very difficult circumstances.

I pay tribute to the hon. Member for Bristol North West (Darren Jones). I am sure he is full of praise today—I do not know whether he is fed up with it or revelling in it—but this is a very well-thought-out Bill,

and I will speak in support of it. I also pay tribute to my hon. Friend the Member for North East Bedfordshire (Richard Fuller), who, in a tour de force of a speech, has shown new Members such as myself how to do it on a sitting Friday. I do not know whether I will be of that calibre just yet, but hopefully within the next few years, I might be able to get to that standard. It was a really well-considered and well-thought-out contribution, and I listened with much interest.

I am very conscious of repetition; I am afraid that, unfortunately, I am probably going to say a lot of what hon. Members have already said. Right now, we have a non-statutory framework that, as many hon. Members have said, is toothless in many respects. Yes, it identifies requirements for improvement and it looks at quality standards to a degree, but it is ultimately the enforcement action that is the issue here.

To draw analogies in other spaces, let us take the example of advertising. It is regulated in a non-statutory way by the Advertising Standards Authority, which, similarly, cannot take enforcement measures to the extent of taking action against those advertisers. I draw that analogy having worked within that framework; I can see the frustration sometimes, when we see things that blatantly go wrong and should not happen, but the regulator cannot do much about it.

I support the notion that we would put those teeth in and enable enforcement on those issues, allowing a regulatory body to take matters up and to ensure that things are done in the right way. That is important, because let us look at what we are talking about here. Forensic science is not the only part of policing; it is not the only part of how we ensure that justice is done and, as my hon. Friend the Minister has articulated so brilliantly today, there are other parts of this patchwork, but it is a vital part.

Forensic science is not a silver bullet, nor is it the only thing we do in our criminal justice system. My hon. Friend the Member for Hertford and Stortford (Julie Marson) explained traditional police work well, with the story of her father and how he went about trying to bring about justice. He is a prime example of the other element of that patchwork of justice and police administration. None the less, forensic science is also an important part.

One of the things that has been drawn out in this debate today is the fact that crime is evolving and changing. My hon. Friend the Minister is a big advocate of the idea that the digital space is an evolving part of this crime framework. Indeed, so is the hon. Member for Bristol North West, particularly in his work on the on the Science and Technology Committee. It is an evolving space and we have to develop and adapt to ensure that, as crime changes, the regulatory underpinning that ensures that we get the investigation of those crimes right changes with it. From that point of view, it is imperative that we ensure that our regulators can take the actions that are needed.

We are talking about people impacted by crime. We are talking about human beings. As hon. Members have said today, we are not just talking about the “CSI”-type, big-level crimes; we are not talking about the high-profile stuff, because a lot of this stuff goes into the day-to-day, bread-and-butter crime that we talk about, which many of us get in our inboxes all the time. It is the constituent down the road who has had their house burgled. It is

[Shaun Bailey]

someone who has had something stolen from them that might not be valuable but has sentimental value. It is the things that make our constituents afraid at night and worry our communities. That is the reason we are here, in a way: to ensure that they are protected and looked after, and we can do that by ensuring that those crimes are investigated in the right way. That is what the Bill is trying to achieve.

Ultimately, this legislation is not controversial. I am sure the hon. Member for Bristol North West will agree with me when I say that these discussions have been going on for some time. I pay tribute to my hon. Friend the Member for Bolton West (Chris Green) for his work in this space; I forgot to do so at the start of my speech. These measures have been discussed for nearly a decade. We are not covering new ground in calling for the regulator to have stronger enforcement powers and to ensure that, when forensic science is part of an investigation, it is done properly.

I want to turn to the points raised about the cost. I appreciate that cost is always an important point, and as a Conservative Member of Parliament, fiscal responsibility is at the core of my beliefs. My research into this market shows that we are sometimes talking about costs in the region of £70 million—£70 million of public money. These are substantial figures.

**Kit Malthouse:** I just want to put on the record that the overall spend on forensics across policing is actually about half a billion pounds.

**Shaun Bailey:** I thank my hon. Friend for that clarification, which is helpful to the line that I am trying to pursue. Ultimately, to safeguard public money and ensure that it is used properly, there sometimes has to be an outlay. We have heard today about the £400,000 cost of this service being regulated properly. I do not underestimate how much money that is; it is a significant cost. But in the long term, it is perhaps a cost that we need to bear, to protect the half a billion pounds to which the Minister referred and to be fiscally responsible with taxpayers' money, in the pursuit of ensuring that forensic science is done properly. That does not detract from the need to properly monitor, as I am sure we will, the money spent on ensuring that enforcement is done properly.

Many Members, particularly my hon. Friend the Member for Christchurch (Sir Christopher Chope), asked about enforcement of the existing codes of practice. The lawyers in this place—I believe the hon. Member for Bristol North West is a solicitor—will know that, just because a rule is there, it does not mean that it is necessarily followed. If someone feels, “There’s a rule, but if I don’t follow it, what are they going to do?” there is a temptation. I am certainly not saying that any of our fantastic providers of forensic services would not follow the rules, but the existence of a rule in itself is not an impetus to follow it. Just because something is there, it does not necessarily mean that someone will abide by it. That, I am afraid, is why we sometimes need enforcement action. We need to ensure that when people do not follow the rules—when they do not stick to the standards and do what they are supposed to do—there are consequences. From that perspective, I was not quite

sure where my hon. Friend’s argument was going. We need to ensure that there is a real impetus to follow these rules.

I turn to the wider points raised about the digital space and the development of crime. We have seen reports time and again of issues in the digital space as it develops, because it is ever growing and ever evolving. Members have raised issues about the collection, handling and storage of data during investigations. Those issues will only grow and continue to be pertinent as this space develops. We will have an ongoing discussion about this for many years to come. This Bill is not the end of that discussion; if anything, it is the start of it. As times goes on, we must adapt our legislative framework and our enforcement framework. It will be key to the success of this legislation that the enforcement framework adapts to changes that occur as this space develops; it is vital to ensure that we are flexible.

I am conscious that other Members wish to speak, so I will try to refine my comments and allow others to come in. When forensic science gets it right, in conjunction with other parts of our criminal justice system and criminal justice framework, it gets it right. We can think of some examples of cases that have been solved through forensic science, such as the horrific crime against Stephen Lawrence and how those criminals were brought to justice. I can think of other more local crimes as well. The fact of the matter is that when we get it right in this space, we really do, and that is what the Bill is about. It is about getting this right for real people: the people we represent, the people who put us here to keep them safe. I believe that our first and foremost priority in this place is keeping the people of this country safe.

In conclusion, it is a pleasure to support the Bill. It is an absolutely fantastic contribution by the hon. Member for Bristol North West. I also pay tribute to my hon. Friend the Member for Bolton West for his work in this space.

1.15 pm

**Selaine Saxby** (North Devon) (Con): It is a pleasure to follow my hon. Friend the Member for West Bromwich West (Shaun Bailey). Like others, I do not claim to be as learned as my hon. Friend the Member for Bolton West (Chris Green) in this field, but I am delighted to speak in the debate, having wanted to be a forensic scientist for most of my childhood. The intrigue of forensic pathology very much caught my eye with Jack Klugman’s “Quincy, M.E.” Unlike my hon. Friend the Member for Bassetlaw (Brendan Clarke-Smith), who is not now in his place, I watched it not through the advances in digital technology but live on my television—I hate to concede that. The fascination remains undimmed as dramas such as “Silent Witness” continue to cross our screens. I am delighted to hear that there are 112 similar dramas if I have those advances in technology in the future.

Forensic science as a field is so much bigger than just pathology. Indeed, it is the application of science to criminal and civil laws, mainly on the criminal side. Forensic science is made up of a combination of two Latin words: “forensis”, which means a discussion or examination performed in public, and “scientia”, which derives from knowledge.

Forensic science is one of policing’s most important tools for investigating crime and upholding quality standards is vital to confidence in investigation outcomes.

Only this week we have heard of great successes in reducing the number of phone numbers that are used by county lines drugs gangs, and we know that dealing with that as well as other violent crimes is highly reliant on high-quality forensics.

I am very fortunate to live in a part of the country with a very low crime rate, but my own force in Devon and Cornwall—I commend it for its fantastic work at this time—has highlighted the importance of good forensics. County lines are a blight across the south-west, and early this year it was forensics that helped to secure a conviction in Paignton. We have indulged in some graphic descriptions this morning, and this particular case involved a knife that went through the skull of the victim so hard as to penetrate the brain. We are delighted that in that case the forensics meant that someone was convicted of the attempted murder of a member of a rival drugs gang in that turf war ambush.

It is perhaps most surprising of all that the Forensic Science Regulator is not already a statutory office holder. We know that a commitment was made in 2016 and I very much hope that today's debate will see that come to fruition at last.

Forensic techniques have evolved over time. We have seen how important it is to ensure the standardisation of processes to ensure that quality is consistent and to reduce miscarriages of justice. In the States, fields such as forensic dentistry have seen at least three cases where bite-mark evidence has convicted murder suspects, only for them to be freed later on DNA evidence. The now discredited comparative bullet-lead analysis was used by the FBI for more than four decades, from the time of JFK's assassination in 1962 through to 2005. It was only in the late 2000s that it became clear that DNA evidence could be fabricated.

We know that in the digital age there have been huge advances in the field, and the ability to analyse crime scenes and to link crimes has improved dramatically in recent years. My hon. Friend the Member for Hertford and Stortford (Julie Marson) highlighted the need for confidence in this area. We talk about the digital age and our smartphones. It would take a forensic lab many months to dissect my own device. Victims of crime having the confidence to hand over their devices is very important.

This is a complex scientific field. The importance of responding to the Lords and Commons Science and Technology Committees by ensuring that the Bill becomes legislation cannot be underestimated. The field of biometrics is also hugely complex, and I am pleased that the Government have reiterated their commitment to empowering the police to use biometric technologies within a strict legal framework. I look forward to hearing those plans in Parliament. It appears that the breadth of this field perhaps exceeds the scope of this private Member's Bill. I hope that the focus on the forensic science regulator will ensure that the Bill goes forward today. It would encourage police forces to achieve accreditation and would give the regulator the tools needed to ensure that the minority of forensic providers that have consistently failed to achieve accreditation across a range of forensic disciplines for their in-house facilities achieve it. The risk of miscarriages of justice from poor forensics at this time significantly outweighs the costs of implementation.

I congratulate the hon. Member for Bristol North West (Darren Jones) on progressing the Bill, which I fully support, to this stage. I hope it will enable the courts to rely even more fully on expert forensic witnesses and their evidence, reducing the likelihood of a TV-like drama unfolding in our courtrooms in the future.

1.21 pm

**Bambos Charalambous** (Enfield, Southgate) (Lab): Before I begin, on behalf of the Opposition, I express my deepest condolences to the officer who was killed in Croydon police station last night. It is a tragic and shocking loss that reminds us how important it is to recognise the risks that our police officers face and take every day of their lives. I also associate myself with the remarks of the Minister and other Members who paid tribute to the sad loss.

I congratulate my hon. Friend the Member for Bristol North West (Darren Jones) on his timely and much needed Bill, which covers an area that has not had much attention in recent years. I also congratulate Members who have taken part in the debate on the manner in which they have conducted themselves and on their broadly warm consensus on the Bill. I very much hope that we will see progress as a result of the debate.

In order to understand why the Bill should be welcomed, it is necessary to look back at key points in Parliament's interest in the work of the Forensic Science Regulator. In the heyday of the coalition Government, the House of Commons Science and Technology Committee carried out an inquiry into the Forensic Science Regulator, publishing its report on 17 July 2013. In its conclusion, the Committee made the following recommendations.

On quality standards, it said that

“there must be a level playing field between those who conduct forensic tests for the police, prosecution and defence. In particular, the police must work to the same quality standards as they demand from external forensic science providers.”

On a Forensic Science Regulator, the report concluded that

“the disparate nature of forensic science provision across the public and private sector means that the role of the FSR now needs a statutory underpinning. The current FSR has done an excellent job in raising the profile of forensic science quality standards during his tenure, and this must be continued.”

That was back in 2013.

As part of the Government response to the inquiry, on 8 November 2013 the then Home Office Minister Norman Baker made a written statement announcing the launch of a consultation on strengthening the powers of the Forensic Science Regulator. Acknowledging the regulator's role in setting standards, and accepting that the meeting of standards by forensic service providers was voluntary, he added:

“there is a risk that voluntary quality standards might not, in the future, provide the high level of assurance required for forensic evidence. For that reason we now propose introducing stronger powers, including putting the regulator's codes of practice, which set out the quality standards for forensic science providers, on a statutory basis.”—[*Official Report*, 8 November 2013; Vol. 570, c. 24WS.]

That was back in 2013 when there was a consultation which clearly showed the Government's intention of the day.

Following the consultation, the Government's response in July 2015—things sometimes move slowly in the Home Office, although hopefully that will now change—

[*Bambos Charalambous*]

showed that the overwhelming number of respondents agreed that all stages of the forensic evidence process should be covered by the regulator's statutory powers, as should all forensic science disciplines. The section entitled "Next Steps" stated:

"The Home Office is developing a Forensic Strategy to be published by the end of 2015. This will consider current and emerging opportunities and challenges in the forensic landscape. Alongside this work, options for the Forensic Science Regulator are being considered and the way forward will be published alongside the Strategy."

That strategy was published in March 2016, and page 7 includes the aim of having a clearer statutory role for the Forensic Science Regulator. Paragraph 44 states:

"We will develop proposals to give the Forensic Science Regulator statutory powers, put the current remit and the associated Codes of Practice on a statutory basis and enable the Forensic Science Regulator to investigate non-compliance where necessary."

That was in the strategy, and the Bill does exactly what was set out in 2013, 2015 and 2016. Since then there have been ample warnings and opportunities for the Government to take action and implement their own strategy commitments, but despite further scrutiny from the Lords and Commons, via the respective Science and Technology Committees, they have not yet done so.

The hon. Member for Bolton West (Chris Green) gave an excellent speech and is clearly an expert in this area. He introduced the Forensic Science Regulator Bill in March 2018, but despite promises from the Home Office and its responses to the Select Committees, the Bill did not progress and action was not taken. That was unfortunate, but we are where we are. I am pleased the Government have indicated that this time they will support the Bill.

The Bill aims to put the forensic science regulator on a statutory footing so that it has investigatory and enforcement powers to use against non-compliance by forensic science service providers, with standards advised by the regulator. It seems perverse that the regulatory position was created to set standards, but there was no way of compelling anyone to follow them. Although there has been a reasonable level of compliance with established areas of forensics, new and evolving areas such as digital forensics tell a different story. Levels of compliance with ISO standards in digital forensics are less than 30%.

The Forensic Science Regulator, Dr Gillian Tully, has always maintained that although under the current system we can get average compliance of 75% across all forensics, the final 25% can be achieved only with enforcement powers. That is what the Bill seeks to achieve. The code of practice in clauses 2 to 4 sets out the statutory footing for forensic science standards. Clauses 5 to 7 give the regulator enforcement powers to ensure that the code is complied with. The powers of investigation include the power to require the production of documents or the provision of other information, with the sanction of legal measures in the High Court as an ultimate last resort for failure to comply.

Those powers are welcome. The Government's forensic science strategy from 2016 recommended giving the regulator statutory powers to identify and sanction forensic service providers that fail to maintain standards, and the Bill does the Government's job for them, because everything within it is exactly in line with that strategy.

It is important to ensure that those standards are met because of the catastrophic impact on the criminal justice system if they are not—hon. Members across the House have made that point. The Government's strategy refers to the case of the Birmingham Six, who were acquitted of the 1974 Birmingham pub bombings on appeal in 1991. Fresh evidence was introduced that cast doubt on a key piece of forensic evidence that was used at the original trial to secure their convictions. Standards go to the heart of our criminal justice system. We must ensure that standards are met so that the public retain their trust and confidence in the integrity of our criminal justice system.

Experienced forensic scientist Professor Angela Gallop, in her book "When the Dogs Don't Bark", gives a compelling account of how, 18 years ago—this case was also referenced in today's debate—Stephen Lawrence's murderers were not brought to justice due to lack of evidence. However, new procedures, high forensic standards and a dedicated expert team found fibres from Stephen Lawrence's clothing and identified and matched a microscopic speck of blood on the clothing of the two men who were later convicted of his murder. The evidence had been there for 18 years, but the standards and methods had not. That is why it is so important to ensure that forensic standards are met and that techniques in the field continue to develop and evolve.

Research in the field of digital forensics identified significant areas of concern with the potential to impact negatively on the production of expert reports and the criminal justice system. Those areas were identified during the process of assessment for accreditation to ISO standards. The evidence therefore supports the need for quality standards in digital forensics. Considering that it is a growing area in forensics, as Members mentioned, regulation is necessary to ensure the robustness of this field. We must maintain the development of our standards to keep up to speed with new developments in technology, and there must be recognition of the challenge of implementing those standards in digital forensics. That should not be underestimated, particularly in an environment where there is insufficient capacity to meet growing demand for services in an area of complexity and fragmented delivery.

I have spoken so far about standards and regulation, but we also need to consider the individuals who work in forensic science. Members have mentioned "Quincy" and other television shows about individuals, but we must not forget the largely public sector workforce who deliver forensics for our criminal justice system. They need to be brought along on a cultural change, but they also need to have their professionalism continually recognised as integral to delivering justice in our system. They are one of the few workforces in society who deal exclusively with death and destruction on a daily basis. Many forensic specialists work in the communities that they live in, and they take great pride in their work when they find evidence that leads to justice and greater protection for their community. We should pay tribute to them for the work that they do, which must have a big impact on them mentally.

Members have mentioned the substantial cuts and continuing squeeze on police budgets, and job losses, particularly in back-office staffing. That has led to a reduction in the capacity for crime scene investigations and other forensic work. I acknowledge that the Minister



has mentioned the provision of additional funding, but those cuts have left forensic specialists feeling demoralised and unable to protect their communities. There has to be understanding and sensitivity about the fact that regulation is, inevitably, an additional load on an already overburdened workforce. That needs to be taken into account, and that is why these staff must be brought along with the wider cultural change.

Even the private sector, which carries out a significant amount of police forensics work, is not immune to financial pressures. According to evidence to the House of Lords Science and Technology Committee's inquiry into forensic science and the criminal justice system in 2019, spending on forensic services reduced from £120 million in 2008, when the FSS was still in existence, to approximately £50 million to £55 million in 2018-19.

There seem to be financial pressures across the board in the whole sphere of forensic services, with those carrying out defence work on legal aid rates among the worst paid. As was mentioned, regulation should not place additional financial burdens on small providers. I know that the regulator has given much thought to this area and has worked with the House of Lords and the Minister to look at ways of reducing costs proportionately for niche and small private providers.

In conclusion, it is worth quoting the current regulator, Dr Gillian Tully. Hon. Members have mentioned what she said, but it is worth repeating that:

“forensic science should be firmly rooted in good science. Courts should not have to judge whether this expert or that expert is ‘better’, but rather there should be a clear explanation of the scientific basis and data from which conclusions are drawn, and any relevant limitations. All forensic science must be conducted by competent forensic scientists, according to scientifically valid methods and be transparently reported, making very clear the limits of knowledge and/or methodology. Implementation of quality standards is a means to this end, ensuring a systematic approach to scientific validity, competence and quality. It therefore remains my absolute priority to publish a standard for the development of evaluation opinions, to ensure that this systematic approach to quality covers all scientific activities from crime scene to court.”

The Bill does exactly that. It is long overdue and will be the first step in rebuilding the reputation and trust in our forensic science service and criminal justice system. I commend the Bill. I hope that the Government adopt it and that it takes the next steps to become law.

1.36 pm

**The Minister for Crime and Policing (Kit Malthouse):**

I thank hon. Members for their words of condolence, sorrow and support for the awful crime that was committed last night against not only a police officer but all of us.

Mr Deputy Speaker, it is to your loss that you have not been in the Chair for the entirety of this morning's debate, because it has often considered profound issues such as liberty, law, crime, justice, freedom and the boundaries of the state. Although I have an extensive and detailed speech prepared, I am conscious that hon. Members want to continue on to other business, so I will truncate it, not least because many of the remarks made by hon. Members and, indeed, the Opposition Front-Bench spokesman would be repeated. Repetition is not alien to the Chamber, but I do not want to detain anyone longer than I need to.

I congratulate the hon. Member for Bristol North West (Darren Jones) on coming second in the ballot and on bringing this legislation to the House. He has worked

constructively with me and the Department to get it into a shape where we are able to offer our support to it, not least in the light of the Bill that my hon. Friend the Member for Bolton West (Chris Green) put forward in the last Parliament, which also had Government support but sadly ran out of time.

I know that the hon. Member for Bristol North West had aspirations to take the Bill further with measures relating to biometrics, but unfortunately we are not able to support them at this time. I am grateful to him for acknowledging that issue and trying to build consensus, which we have seen exhibited on both sides of the House, and focus on where we are in agreement. As I said in an earlier intervention, we are committed—it is there in black and white in our manifesto—to building a robust legal framework in which some of those technologies, as they accelerate into all our lives, can be embraced by the police. I am hopeful of coming forward quite soon to update the House on what those plans might be.

The Government are committed to keeping our streets safe. Scientifically robust evidence is one of policing's most important tools for investigating crime. Police forces spend approximately £500 million a year on forensic services, with about 80% by value conducted by police forces in-house. The successful prosecution of county lines gangs, as we have heard already, is often dependent on high-quality forensics, including digital forensics, DNA and cell site analysis. As I illustrated in an earlier intervention, it was critical to the conviction of some of the killers of Stephen Lawrence.

I want to put on record that, as has been said, this country has some of the world's best forensic scientists in public law enforcement and in the private sector. Every day, their expertise is deployed to solve crime and deliver justice. I welcome the significant efforts they have made over the last few years in markedly improving turnaround times. They and policing colleagues have faced a number of challenges in recent years, however, including constrained resources and a growth in the volume of new sources of evidence, in particular digital material.

On digital forensics, it is important that police and other law enforcement agencies have access to the evidence they need, including digital data, to ensure that they can secure justice for victims. Most investigations now have a digital component, and I am clear that policing must have the capability and capacity to deal with the increased demand and complexity. This requires skilled investigators and digital experts, who can be helped significantly by better validated technology. That is why we have invested £15 million in the last year in the National Police Chiefs' Council's “Transforming Forensics” programme to develop innovative solutions to address the rising volumes and particular challenges faced in digital forensics across many crime types.

To improve criminal justice outcomes, a measure of regulation is required to underpin delivery, set standards, improve outcomes and provide the structure on which to build for the future, not just in digital forensics but across all disciplines. I believe that that principle has been broadly accepted across the House.

This morning, we have had a series of contributions from Members and I will try to answer the questions that I have been asked. If I cannot, I undertake that my

[Kit Malthouse]

team will review the footage and answer them in writing, so that as the Bill proceeds to Committee, as I hope it will, we can deal with those issues.

A couple of issues came up during the contribution of the hon. Member for Bristol North West, both prompted by questions from Government Members. The first was about the consequences for employees of an enforcement notice being issued by the regulator. Fundamentally, it is for the employer—the force in question—to decide whether the matter is misconduct or otherwise. One would hope that just the enforcement notice itself would improve compliance.

Secondly, there was a question about whether the codes have been published recently. The updated codes under the current structure were published on 22 April, but Members can be forgiven for missing that, given what was taking place at the time.

My hon. Friend the Member for Christchurch (Sir Christopher Chope), who sadly is not in his place, in what I think will in time become known as a Chopian intervention, asked about the expansion in costs from £100,000 to £400,000, having forensically gone over the previous Bill and the cost estimates. I am led to believe that the original cost estimate was, in the technical civil service term, a “rush job” and possibly not quite as accurate as it might have been. There has been extensive work since, and I am told that the current figure of £400,000 is much more robust.

We had a delightfully meandering speech from the hon. Member for Ealing Central and Acton (Dr Huq), who also sadly cannot be with us. She highlighted the need for quality control, although she drew an unfortunate delineation between public and private. In the end, a scientist is a scientist, whether in public or in private. One would hope, given the standard and world renown of British scientists, that the same level of service could be underpinned in both.

My hon. Friend the Member for Bolton West gave a long and detailed speech, which was worthy of the best traditions of this House in its forensic—forgive the pun—examination of this issue. It highlighted his commitment to the subject, shown most notably in the Bill he brought forward, as well as his background in this area and the expertise he can bring.

My hon. Friend spoke about the impact on smaller providers. We are alive to the possibility of detrimental impact on smaller providers in the area. We will work closely with them to ensure that they can deal with what is, frankly, an environment with which they should already be complying. At the moment it seems to be voluntary. It will, if the legislation passes, become compulsory. They might need some help—shall we say—to transition.

The hon. Member for Ilford North (Wes Streeting) gave his usual humorous speech, which was welcome as this can sometimes be a dry and technical subject. Incidentally, he mentioned getting home in time for “Gogglebox”. Apparently, Mr Deputy Speaker, I was mentioned on “Gogglebox” last Friday. Now there is fame. I never sought celebrity in this place, but finally I have made it. I think it was something to do with people snitching on their neighbours, which is not actually something I said, of course, but it made it on to

“Gogglebox”. We look forward to hearing about the hon. Gentleman’s jury service. Hopefully he stays in that box in the court and not the other one.

The hon. Gentleman spoke about a level playing field. It is important to recognise that the imposition of this regulatory environment will create a much more level playing field and, I hope, satisfy the concerns raised by a lot of Members about the confidence with which courts can deal with forensic evidence, from wherever it comes—a public provider or whatever the individual company, large or small. There must be a known quantity of quality that sits behind all the forensic evidence that is adduced in this country.

My hon. Friend the Member for Grantham and Stamford (Gareth Davies) also raised the issue of cost and notice. The passage of this Bill and our attempts in a previous Parliament should give notice to providers that compliance and enforcement notices are coming, so they should start to get their act in order. We had a series of well informed speeches from the Government side—obviously, interest has been taken in the subject—with a number of questions that need to be answered. I propose to answer them in writing.

However, there is one Member I want to address specifically: my hon. Friend the Member for North East Bedfordshire (Richard Fuller), who reminded us all of how much we missed him during his extended recess between the elections of 2017 and 2019. The intellectual force that he brings to his arguments has caused me to question some of the issues that he raised. I give him my undertaking that I will go back and give them consideration. If he finds himself on the Bill Committee, I will be more than happy to tangle with him again on the philosophical issues that he raises. I ask him to bear in mind that what we are about here, in adducing laws and regulations, is protecting the public, not invading their privacy. I hold that dear to my heart, and I know he does, too. This Bill provides for the codes and regulations that the regulator puts in place to be approved by the Secretary of State and laid before the House. In that way, they get democratic consent for what he rightly points out is the possibility of invasion—in a just cause, but invasion nevertheless—of our fellow citizens’ privacy.

We should acknowledge that accreditation alone is not necessarily a silver bullet. As the regulator herself told *The Guardian* earlier this year:

“Achieving accreditation to a quality standard is neither the beginning nor the end of improving quality. Engendering a real culture of quality requires ongoing leadership and investment in people, processes and innovation.”

I could not agree more, and from what I have heard from Members across the House, I think they are broadly in agreement too.

Before I close, I would like to take the opportunity to thank publicly Dr Gillian Tully, whose term as regulator is coming to an end, for her excellent work and the dedication she has shown to the role. She is a first-rate scientist and a dedicated public servant. She has never been afraid to speak truth to power, and has tenaciously ensured that the issue we are debating today has not been allowed to fall. I regret that she will not be in post to exercise these new powers, but I hope very much that her successor will benefit from the legislation that she has done more than anyone to make happen. I am sure all Members will wish to join me in thanking her for her public service. I am grateful to everybody who has contributed to the debate.

1.47 pm

**Darren Jones:** With the leave of the House, I thank the many hon. Members for their contributions today. We have had a substantive and in-depth debate with appropriate challenge of the Bill. I extend my thanks to Dr Gillian Tully for her support, both on the Science and Technology Committee and in the production of the Bill. I also thank the Government for their support.

All of us know that behind this Bill are individuals with issues of liberty and justice at stake. In a small way, I feel that this Bill will add real value and make a difference to these most important issues. I hope Members will support its Second Reading.

*Question put and agreed to.*

*Bill accordingly read a Second time; to stand committed to a Public Bill Committee (Standing Order No.63) .*

## Public Interest Disclosure (Protection) Bill

*Second Reading*

1.48 pm

**Dr Philippa Whitford** (Central Ayrshire) (SNP): I beg to move, That the Bill be now read a Second time.

Before I start my speech, I too wish to send my and my party's condolences to the family of the police officer who lost his life in the line of duty last night.

Bristol Royal Infirmary, Mid Staffs, Morecambe Bay, Liverpool and Gosport: as in previous debates, I recite this shocking litany of tragedies, which have become household names, to remind us all of what is at stake. In each of those scandals, there were those who tried to raise concerns and protect patients, but they were ignored and often intimidated, victimised or even dismissed. Had they been listened to, lives could have been saved.

Whistleblowing is an issue in many sectors, including financial services, as I am sure we will hear about later, but it is often the NHS and social care cases that stay in our memories, due to the terrible impact on patients and their families. The very term “whistleblower” denotes a boiling kettle—a sense of pressure and build-up, until a valve releases. In many cases, the poor working practices or patient safety issues have been going on for a long time before someone is finally driven to speak up. That is because the whistleblowing landscape before them is littered with broken careers and, indeed, broken people who tried to do the right thing.

Most businesses and organisations want to create a good external impression—to project an air of success and to attract more business. As Sir Robert Francis highlighted in the Mid Staffs inquiry, that can be a significant pressure if public services are competing for contracts in a market-based system. The temptation is to cover things up—to look good from the outside, rather than admitting a problem and trying to fix it. That immediately places the employee in conflict with their employer, who just wants the problem to go away. To redress that power imbalance, it is necessary to protect and support whistleblowers, to encourage them to step forward and raise their concerns, whether on patient safety, financial wrongdoing or environmental damage.

**Chris Stephens** (Glasgow South West) (SNP): I thank my hon. Friend for bringing this Bill to the House. Does she agree that one of the important factors behind this Bill is to protect employees who engage in whistleblowing, many of whom find themselves dismissed, albeit for other reasons?

**Dr Whitford:** I thank my hon. Friend for that intervention. That is exactly the problem with the Public Interest Disclosure Act 1998, which falls within employment law, putting the burden on the employee to prove that they have been sacked purely for raising a concern, rather than on the employer. As I will come to later, such cases very quickly turn into, as we would say in Scotland, a complete rammy.

In the five years that I have been in this House, I have heard politicians from all parties, including the previous Health Secretary, praising whistleblowers. However, despite several debates on the topic and about the need for action, nothing has been done to provide the protection

[Dr Whitford]

they need from the point at which they make a disclosure. That is the critical thing: to protect them from damage, not to allow a system to pick it up afterwards. During the covid crisis, when we were out clapping the NHS and social care workers, we heard just as many stories of intimidation of those raising concerns about PPE or staffing.

When the Public Interest Disclosure Act—or PIDA—was passed 22 years ago, it too was a private Member's Bill. I wish to express my thanks to the Clerk of private Members' Bills in the Public Bill Office for all his work, but I recognise that I have pulled this Bill together, so I have no problem with its being improved, changed or developed in order to make it function. This is not a party political issue; whistleblowing exists in every sector, in every nation. We should recognise the need to deal with it and try to fix it.

At the time, PIDA was hailed as world leading, but that was 22 years ago. There are now better international examples, and it is in need of a complete makeover. What are the problems with PIDA? First, whistleblowers think that it offers protection from the point at which they come forward, but it does not. It merely allows them to challenge their employer in an employment tribunal after they have suffered detriment, such as missing out on promotion, being bullied or threatened or, as in a third of cases, even losing their job. As I said, the burden of proof is on the whistleblower to prove that raising a concern is the only reason that they have been sacked, rather than on the employer to prove the opposite. It is rather unsurprising, then, that only 3% of tribunal cases are successful—there is a 97% failure rate, and that is just the ones that actually go all the way to a tribunal.

The litigation process also creates opportunities for further victimisation and intimidation, with breaches of confidentiality and threats of spiralling legal costs. Ordinary workers in most sectors simply cannot maintain the fight. The problem is that as PIDA sits within employment law, it just turns into a battle between employee and employer. The original cause for concern that made them speak up gets completely lost, rather than investigated and action taken to fix the problem. This is actually the whistleblowers' biggest complaint. The people I met said it was not even about their detriment or protection for them, but about the fact that after everything they went through the issue was never investigated and certainly never dealt with.

**Mike Wood** (Dudley South) (Con): I congratulate the hon. Lady on securing her Bill in the ballot. Does she agree—from what she is saying, she may well come on to this point—that at the heart of any effective whistleblowing system is a reliance on those investigating complaints internally being able to act independently and with neutrality to resolve the issue at an early stage, long before it gets anywhere near an external whistleblowing situation?

**Dr Whitford:** Absolutely; I thank the hon. Gentleman for his intervention, and I will come to some of those issues later. This issue, as has been said, is in part one of culture, of being open, of realising that it should be about learning and fixing rather than trying to shut someone up. The more that downward pressure is put

on people—like a pressure cooker—the more that builds, and there is more and more unhappiness. The problem is that in something such as health and social care, it actually affects patients.

That is why I am proposing the Public Interest Disclosure (Protection) Bill. The key thing that I seek to achieve is to remove whistleblowing from employment law and create free-standing protection legislation. If we really value whistleblowing, it should not be tucked away in some corner. It should be something that stands by itself—that sends the message that, in whatever sector, if someone sees wrongdoing and damage, they should come forward.

**Kevin Hollinrake** (Thirsk and Malton) (Con): I pledge my support on a cross-party basis, and I am delighted to associate my name with the Bill. The hon. Member talks about valuing whistleblowers. Does she agree that we should value them not only for the risk they take and the individual issues they raise, but for the wider cultural issues they raise within a system—particularly, as she says, in financial services—which allows this House to put the measures in place to clamp down on that adverse culture?

**Dr Whitford:** I welcome that intervention, but whistleblowing should not have to be a risk. It should be a normal part of someone's work or their duty as a citizen to come forward and report something.

The Bill defines whistleblowing disclosures, but it also widens the definition of “relevant authorities” to include not just employers, but public authorities and regulators, as many whistleblowers report that when they have involved regulators, they have been intimidated in exactly the same way and have made no progress. It places a duty on all relevant authorities not to subject whistleblowers to any form of detriment, and indeed, to protect them from detriment, but particularly—I cannot reiterate this more strongly—to investigate the concern and take action to prevent a recurrence.

The Bill widens the list of professions in which a disclosure may be made to include those previously excluded, such as religious ministers and police officers. Let us consider the cases of child abuse that might have been prevented had priests and ministers been able to speak up, or how much earlier the families of the Hillsborough victims could have been told the truth and given closure.

The Bill also includes those who were not previously defined as employees, such as trainees, interns and volunteers. I am sure that all of us who have taken an interest in this topic are well aware of the four-year persecution of Dr Chris Day, who warned about unsafe staffing in his intensive care unit, only to be told that junior doctors were not classed as NHS employees and that he had no protection. Although that anomaly has been resolved, it highlights the traps that unsuspecting whistleblowers can fall into.

The Bill seeks to establish an independent body with statutory powers to oversee whistleblowing. I have called it a commission in the Bill, but I do not care what it is called. After his report into the deaths in Mid Staffordshire NHS Foundation Trust, Sir Robert Francis established the “freedom to speak up system”, but the national guardian is not a statutory role and the local guardians are trust employees who themselves may be put under pressure when investigating a case. That comes back to

the point raised in an intervention earlier: there needs to be absolute objectivity and a determination to deal with an issue locally, rather than it becoming a festering sore. By contrast, the Scottish Independent National Whistleblowing Office was established as a statutory body in 2018. It published its draft standards for the NHS and social care last year.

Devolved Governments will develop whistleblower-support systems for their public services, but PIDA is the underpinning legislation for all sectors—including businesses and financial services—and it no longer serves its purpose. The commission's duty would be to protect whistleblowers and promote the principle of whistleblowing in the public interest. Such a body would develop standards of practice for whistleblowing policies and procedures and monitor the compliance of organisations with those standards. Such standards would include how issues should be investigated, and organisations would be expected to show what action they had taken to address cases. The standards would stipulate prospective protection of the whistleblower from detriment, from the point of their making a disclosure, including by preserving their anonymity and confidentiality—many whistleblowers suddenly find themselves splattered across the local paper.

The commission would also seek to resolve cases and reduce litigation, which is wasteful of public funds and both expensive and traumatic for the whistleblower. It could provide advice to whistleblowers who do not have any other route to report an issue or who are not making progress locally. It would be able to issue redress orders to try to repair detriment suffered by a whistleblower, rather than just making financial awards, and it would include the banning of non-disclosure agreements, which whistleblowers are often intimidated into signing. When staff have been subject to deliberate detriment, there would be the ability for civil action. As in Australia, criminal charges would be available for the most egregious cases of whistleblower persecution.

There are different ways to improve the quality of a service, and whistleblowing should not be the main method of detecting poor practice, the squandering of public funds or fraud. Just as audit is critical to ensure probity in the financial sector, it is also essential to detect poor clinical practice. In Scotland, we have had regular reporting against quality improvement standards for the most common cancers for many years. In the case of my specialty, breast cancer, I was involved in leading the development of the standards almost 20 years ago. The process identifies outliers, who can then be supported to update their practice, but it also creates peer pressure to drive clinical improvement, as people know that their performance is going to be shared at a conference, openly and transparently, every single year.

It is important to normalise incident reporting and encourage a culture of routinely raising issues without the sense of conflict and pressure associated with whistleblowing. That is the aim of systems such as Datix in the NHS, through which staff record, review and seek to learn from all incidents, from minor to major, including near misses. There will, however, always be cases that cannot be detected by audit, such as alcohol or drug misuse, bullying or racism. For that, whistleblowers are essential.

For whistleblowers to speak up early and reduce harm, they must be valued, supported and protected. In the NHS, that is about patient safety, which is literally a matter of life and death.

2.5 pm

**Mary Robinson** (Cheadle) (Con): It is a pleasure to follow the hon. Member for Central Ayrshire (Dr Whitford), whom I congratulate on not only securing the debate but on bringing forward a detailed and considered Bill that is an important and positive contribution to the growing consensus for reform of our whistleblowing legislation. Her in-depth knowledge of the healthcare sector enables her to speak with authority and passion on the subject, as was evident in her speech. I welcome the Bill, because it is right to push for reform. Indeed, dissatisfaction with the present situation among a wide range of groups, individuals and Members of Parliament across the political spectrum has grown into a clamour for reform.

As chair of the all-party parliamentary group for whistleblowing, I am pleased to work with the support of our secretariat, WhistleblowersUK, which shares that commitment to drive reform. The APPG has given its support to the Office of the Whistleblower Bill, which has been presented in the other place by Baroness Kramer. The whistleblowing charity Protect also continues to work towards reforming legislation. On the Government Benches, my hon. Friend the Member for Thirsk and Malton (Kevin Hollinrake), who is a vice-chair of the APPG, has championed whistleblowers in the banking and financial sector. I also pay tribute to the Prime Minister's anti-corruption champion, my hon. Friend the Member for Weston-super-Mare (John Penrose), who spoke in the foreword to the Ministry of Housing, Communities and Local Government's "Review into the risks of fraud and corruption in local government procurement" about the need to

"bake in a counter fraud and corruption culture from top to bottom of every Council, so whistleblowers know they will be supported rather than victimised".

I am grateful to the hon. Member for Central Ayrshire for providing this opportunity to discuss the inadequacy of the law as it stands.

The current law, the Public Interest Disclosure Act 1998, was at the time a trailblazing piece of legislation, growing out of employment rights and the drive for a fair relationship between employers, employees and workers. Sadly, as time has passed, PIDA has not lived up to its promise. The hon. Member is right to highlight its flaws.

For many potential whistleblowers, retaliation remains too great a threat to take the risk of speaking up. Evidence provided to the APPG suggests that, because of the grave personal consequences that whistleblowers can face, less than half of those who raise concerns follow them up. A survey last year by the APPG found that 78% of whistleblowers were subject to retaliation. Blacklisting also remains a problem. Some whistleblowers have withdrawn their cases to avoid their identity becoming public and jeopardising their future employability.

As the hon. Member said, the only recourse for an employee who faces retaliation, including unfair dismissal for whistleblowing, is through an employment tribunal, and only 3% are successful when they take their cases forward. Even after success, the compensation, which averages 28%, is often vastly exceeded by the terrible financial and emotional cost of bringing a case. PIDA, sadly, is toothless and overly complex, and it lacks the backing it needs to be effective.

[Mary Robinson]

There is also an unacceptable lack of clarity about some simple questions. Who is a whistleblower and what counts as a whistleblowing? As long as that is unclear among businesses, institutions and even regulators, and as long as the law does not provide clear standards to follow nor ensure that those organisations understand their legal obligations to whistleblowers, those whistleblowers will not get the protection they need.

Changes over the last decade relating to prescribed persons have been welcome, but by now, three and a half years after the annual reporting requirement for prescribed persons was introduced, evidence shows that those changes have not provided sufficient protection for our whistleblowers. A 2015 report by the National Audit Office found that it was not clear what was expected of a prescribed person and that more could be done to explain their remit.

**Dr Whitford:** I was surprised when I was elected as an MP suddenly to discover that I was a prescribed person. We received no training or induction whatsoever.

**Mary Robinson:** I am grateful to the hon. Lady for pointing that out because that is exactly the case. I wonder how many MPs realise the requirements that the legislation places on them and whether they understand how best to fulfil them.

I want to think about those who have come forward and blown the whistle because they are the people we are talking about—ordinary, working people who first alerted us not only to issues in the national health service, but to furlough fraud during the pandemic, as they went to work knowing that their employers were also claiming moneys through the job retention scheme. Other workers have blown the whistle on failures to implement social distancing in the workplace and inadequate personal protective equipment provision. In doing so, they have helped protect people from exploitation and from exposure to the virus. Meanwhile, reports of the Chinese regime retaliating against whistleblowing doctors such as Li Wenliang, who raised the alarm about the virus in December, demonstrate more starkly than ever that failure to listen to whistleblowers costs a million lives and causes a global economic crisis.

In my view, every Department stands to benefit from reform. Whistleblowing has been and is vital to the Treasury's efforts to combat financial fraud, the Home Office's fight against modern slavery, the Department for Education's attempts to root out malpractice, and the Ministry of Housing, Communities and Local Government's efforts to address procurement malpractice and fraud in local authorities and the wider public sector, as well as the uncovering of child sexual exploitation in Greater Manchester and Rotherham.

I wish the hon. Member for Central Ayrshire every success. I hope that we can work together. In my view, working together on important legislation that will be robust and fit for purpose is what we all want. I urge the Minister to work with Departments to ensure that they are behind a Bill that could really make a difference to valuing whistleblowers and changing our practices.

2.12 pm

**Anne McLaughlin** (Glasgow North East) (SNP): Earlier this year, I was contacted by numerous constituents who work for call centres in Glasgow. I am going to name the one I got the most complaints about, mainly because its responses were the most disappointing to say the least: Sky.

My constituents were forced to go to work in the busy call centre to upsell broadband and TV packages. That is not what Sky said they were doing, but it is what they told me they were doing. Sky also claimed that they could not work from home, when many of their colleagues in similar jobs were working from home. Sky told me that everybody was seated 2 metres apart and that all safety measures were in place, but the photographic evidence told a different story. That was at a time when the Scottish Government were telling employers that employees should work from home where they could. The UK Government were doing something slightly different, and Sky's last line of defence was that the UK Government trumped the Scottish Government, which, as hon. Members can imagine, did not please me at all. Nor did it please the Scottish Government Ministers who had written to Sky.

The employees were terrified of what might happen to them. They pleaded with me to keep their names out of it and I was happy—indeed obliged—to do that. They should not be so afraid to report what is, after all, a health and safety concern. Eventually, I had to go and look for myself because the fear among them was so great that they stopped telling me. I live five minutes from that call centre and on my daily walk one morning, I took that route and saw exactly what they meant: dozens of people arriving at the same time, no social distancing being imposed or even encouraged. That is why I am confident that I am doing nothing wrong in naming Sky today, but of course, I have parliamentary privilege. Those workers do not and they do not have the right level of legal protection, as we have heard. There is nothing to stop them being bullied, missing out on promotion or worse still, losing their jobs. If the Bill passed, thanks to my hon. Friend the Member for Central Ayrshire (Dr Whitford), they would have that protection.

2.14 pm

**Kevin Hollinrake** (Thirsk and Malton) (Con): I will be brief, to let the Front-Bench spokespeople conclude. In the parliamentary briefing for this debate, there is a question posed to the Minister: do sufficient protections for whistleblowers already exist in current legislation? I hope his answer to that will be no. I hope that the Bill is successful today, but if not, it will be passed on a future occasion. My hon. Friend the Member for Cheadle (Mary Robinson) and I are meeting the Minister on Monday to discuss this, because we need reform. The proper protections are not in place at the moment.

I want to give one example, which I have spoken about before in this place, and that is the case of Sally Masterton. She was not a whistleblower. In 2013, she worked for HBOS, and she wrote a report about a fairly low-level fraud in the company. She was discredited by Lloyds to the regulator—it simply said that she was not a credible witness. The Financial Conduct Authority did not investigate. She was effectively suspended by Lloyds, through constructive dismissal. Five years later,

the FCA decided that she actually was a cogent witness and said to Lloyds, “You need to do something about this. You need to compensate her and apologise,” which it did. The terrible fact about the case is that nobody at Lloyds or HBOS has been sanctioned for that disgraceful mistreatment of a whistleblower for five years. This was part of a disgraceful 13-year fraud of small and medium-sized enterprises within the bank, and still to this day that scandal has not been resolved.

**Dr Whitford:** The hon. Member highlights that the regulator—the FCA—also let that whistleblower down, and that is another thing that needs change.

**Kevin Hollinrake:** The hon. Lady is absolutely right. As I said in my earlier intervention, it is not just about the relatively small issues that the whistleblowers highlight. It is about the wider cultural issue. It shows the mismatch of power between the whistleblower, these big, powerful organisations and their customers, which we know we need to tackle, but we would not know that without people like Sally Masterton. I commend the hon. Lady for bringing forward this legislation. I hope she is successful; she will be sooner or later.

2.16 pm

**Neale Hanvey** (Kirkcaldy and Cowdenbeath) (SNP): It is truly an honour to speak in support of this private Member’s Bill, promoted by my hon. Friend the Member for Central Ayrshire (Dr Whitford). The Bill speaks to her unimpeachable ethics, her integrity and her humanity.

When I became a Member of this place, the thing that impressed me most was not the grandeur of the building, the pomp and ceremony of the proceedings or even the walls steeped in history. It was the independent complaints and grievance scheme, which struck me as exactly the way that staff everywhere should be supported and how those who have transgressed should be held to account. In the world of work beyond this place, that is a distant luxury that no worker currently enjoys, and that injustice must be addressed.

The Bill sets out a broad context of applicability, but I would like to focus on power and the abuse thereof. We all abhor violence and abuse in the home, where power relationships cause so much damage to victims and can restrict the life chances of children raised in such a toxic environment. When the power explicitly rests in the hands of superiors, abuse of that power can be every bit as damaging as the abuse and coercion that is ubiquitous in domestic violence. As a consequence, people have their professional career and sense of self destroyed. They carry a trauma and are forever changed. Some find the personal resilience to build a new life, whereas others take their own lives.

Organisations are able to muster the full might of their HR department and legal services to defend the indefensible. Executive colleagues can corral and cover for one another, forever silencing the victim of a non-disclosure agreement and thus locking them in a mental jail in perpetuity, with no recourse to true justice. That is nothing short of abuse, and in my view it should have equal criminal standing with domestic violence. The power that is handed to executives demands great responsibility, and it should never be possible for the resources of high office to be improperly used to cover up for the failings or abusive criminality of those in charge.

This Bill provides an avenue to hold power to account in a fair and balanced way. It is not loaded on one side or the other, but it sends a clear message to those who would abuse power to their own ends that they, like the right hon. and hon. Members of this place, are subject to principles of independent fairness.

That brings me back to my opening comments about my esteemed and hon. Friend the Member for Central Ayrshire and her personal qualities of unimpeachable ethics, integrity and humanity. Surely those are qualities that we all seek to embody and would wish this place to unequivocally stand for. In that spirit, I beg this Bill be supported at Second Reading.

**Mr Deputy Speaker (Mr Nigel Evans):** It may be appropriate now to hear from both Front Benches and, should time permit, we will continue with the debate.

2.20 pm

**Dr Alan Whitehead** (Southampton, Test) (Lab): I will be both brief and supportive, as all the speeches this afternoon in this debate have been: brief, because I want to ensure that we get the Bill through this afternoon, and supportive, because it is a Bill that needs the support of the whole House over the next period.

We need whistleblowers across our country to keep businesses and public activities clean and straight and, indeed, to avert the tragedies that may result from internal cultures of denial when things go wrong. The hon. Member for Central Ayrshire (Dr Whitford), whom I warmly congratulate not only on bringing this Bill forward this afternoon, but on her tenacity and hard work over a period of years in bringing attention to this issue and what we can do about it, has given a number of examples of where whistleblowing could have made a difference. There are many other examples that we can all think of: Grenfell, the collapse of Carillion and the North Staffs hospital, which we know from the Francis report, and indeed internationally, where maybe one whistleblower might have saved hundreds of lives with the Boeing 737 MAX disasters. We know that the current legislation that we have, the Public Interest Disclosure Act 1998, is not adequate—good though it was at the time—to ensure that whistleblowers get the protection and support they need.

**Nickie Aiken** (Cities of London and Westminster) (Con): I understand what the hon. Gentleman is saying, but my concern, having learned what happened in the Labour party with the antisemitic complaints and staff members who blew the whistle and were ignored, is that the Labour party itself has questions to answer regarding whistleblowing. Does he agree?

**Dr Whitehead:** Yes indeed; as the hon. Lady will know, that is happening at the moment, in terms of the support for those whistleblowers at that time in the history of the Labour party and what is now being done about that. That is an example of what is important in this debate.

As I said, the current law is simply inadequate to support whistleblowers properly. As the hon. Member for Central Ayrshire has said, it dissolves down into employment tribunals, where individuals must face their employer, and there is no other way to access justice at the moment. Relevant individuals such as trustees, trainees and volunteers are excluded from the law; there are no

[Dr Whitehead]

official standards for whistleblowing that employers must meet or recognised procedures for them to follow; regulators are unaccountable for the way they treat whistleblowers, and whistleblowers cannot bring a claim against a regulator, but only against their employer. Whistleblowers do not get legal aid and must pay for all their legal fees personally, as I believe the hon. Member for Cheadle (Mary Robinson) mentioned. Even if they win, they face not being able to recover those costs.

This Bill puts most of those problems right. It extends the types of wrongdoing that can be reported to cover gross mismanagement, serious abuse of authority and so on. It extends protection of those who are perceived as whistleblowers. It provides remedies for close relatives who suffer detriments following whistleblowing. Civil penalties are provided for in relation to a range of infringements, and criminal offences are introduced as a backstop for certain types of non-compliance, including retaliation against a whistleblower.

Inevitably, in addition to those remedies, there are other things that could be done to support whistleblowing. The Labour party has suggested giving protected status to whistleblowers and imposing a statutory duty on employers to prevent victimisation. What I think is not in dispute is that this Bill covers light years in the distance between where we were with protection for whistleblowers in 1998 and where we should be now, and for that reason I think it deserves the support of the full House.

2.25 pm

**The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Paul Scully):** At the start of my remarks, may I associate myself with the words of others in sending my condolences to the family, friends and fellow officers of the police officer who lost his life in the Croydon Windmill Road custody centre? The centre is shared by my borough's police officers, and I know that many of them will be going home tonight saying, "There but for the grace of God go I".

I commend the hon. Member for Central Ayrshire (Dr Whitford) for enabling this debate on a really very important topic. We have heard the passion and the concern of Members on both sides about whistleblowers. She has spoken on previous occasions about the experience of whistleblowers and advocated the need for reform. I have only four minutes, so unfortunately I will not be able to do this important debate the justice it requires, but I want to cover as much as I can directly.

The hon. Lady raised the issue of the burden being on the employee at the tribunal in particular. That is not necessarily the case in many examples, because if the worker can show that their disclosure was protected and that they suffered detriment, the burden shifts to the employer to prove that the detriment was not covered by whistleblowing. That must be a qualifying disclosure, which basically means any information that in the reasonable belief of the worker making the disclosure is in the public interest. This helps to protect against spurious claims and it means, in particular, that personal grievance complaints are not usually covered by these rights.

It is really important that all workers should feel confident that they will be listened to, that actions will be taken to respond to the concerns and that they

should never suffer criticism or detriment for speaking up. In response to the 2015 "Freedom to Speak Up" report, the hon. Lady raised the issue of speaking up in the NHS, and we did establish the independent national guardian to help drive positive cultural change across the NHS so that speaking up becomes business as usual.

**Dr Whitford:** Does the Minister accept, however, that the national guardian is not statutory? She sits inside a regulator in the form of the CQC and therefore does not always have the powers she would need.

**Paul Scully:** I appreciate that it is not a statutory position, but I would just say that nothing is perfect. I must preface my remarks by saying that with all these things we need to keep reviewing the effectiveness of the whistleblowing framework within the NHS, as we are continuing to do with whistleblowing in general.

The most recent results, published last year, for the National Guardian Office's freedom to speak up index, which measures how NHS staff and trusts perceive making disclosures in their organisations, showed that 180 trusts had improved their freedom to speak up index score over the past three years. That does indicate an overall improvement in the speaking up culture, which is so important. More than 19,000 cases were raised with freedom to speak up guardians in trusts between 1 April 2017 and 31 March 2019, and 87% of those who raised issues with freedom to speak up guardians in 2018-19 and gave feedback said they would be prepared to speak up again. However, as I say, there is clearly more we can always look at doing to make sure that this is working effectively.

In the two minutes remaining, I will turn to the provisions of the hon. Lady's Bill. There are a number of issues that we are going to find difficulties with, but, as she readily admitted, this is a starting point for the discussion. She raised PIDA, which does protect workers from dismissal or detrimental treatment by their employers. On whether we should look at extending the scope of those covered by PIDA—for example, to foster carers, volunteers and public officials that people may be concerned about—we would need to consider expanding the definition of whistleblowing. I think it was my hon. Friend the Member for Cheadle (Mary Robinson) who talked about whether we understand the definition of whistleblowing. As we look to specify that, or at whether we should change or expand it, we must look at whether we are going beyond the employment sphere and at what that would mean for enforcement and redress. That is currently for employment tribunals, but we will obviously look at—

2.30 pm

*The debate stood adjourned (Standing Order No. 11(2)).*

*Ordered,* That the debate be resumed on Friday 5<sup>sub</sup> February.

## Business without Debate

### ILLEGAL IMMIGRATION (OFFENCES) BILL

*Motion made,* That the Bill be now read a Second time.

**Hon. Members:** Object.

*Bill to be read a Second time on Friday 16 October.*



**ASSAULTS ON RETAIL WORKERS (OFFENCES)  
BILL**

*Motion made*, That the Bill be now read a Second time.

**Hon. Members:** Object.

*Bill to be read a Second time on Friday 30 October.*

**DEMONSTRATIONS (ABORTION CLINICS)  
BILL**

*Motion made*, That the Bill be now read a Second time.

**Hon. Members:** Object.

*Bill to be read a Second time on Friday 13 November.*

**UNPAID WORK EXPERIENCE (PROHIBITION)  
(NO. 2) BILL**

*Resumption of adjourned debate on Question (11 September)*, That the Bill be now read a Second time.

**Hon. Members:** Object.

*Debate to be resumed on Friday 30 October.*

**PEDICABS (LONDON) BILL**

*Motion made*, That the Bill be now read a Second time.

**Hon. Members:** Object.

*Bill to be read a Second time on Friday 16 October.*

**MAGISTRATES (RETIREMENT AGE) BILL**

*Motion made*, That the Bill be now read a Second time.

**Hon. Members:** Object.

*Bill to be read a Second time on Friday 16 October.*

**Public Statues**

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

2.32 pm

**Sir David Amess** (Southend West) (Con): Statues are an important part of our country's culture and heritage, and they are erected for many different reasons. They educate us about the past and inform us about the present, and we can learn lessons from them about the future. Statues can be used to commemorate an influential person's life or specific events that an individual or individuals have been involved in. These people can come from all walks of life; there are many statues in the United Kingdom dedicated to monarchs, political figures, charitable people, and those who have done wonderful service for our country and changed it for the better.

We can also use statues to educate ourselves about or remember past events that are important to our country's history and our global standing. There are many statues depicting famous battle scenes and war memorials that encourage national co-operation in times of adversity and struggle. Statues can remind us of what past generations had to endure, and they can act as a point of reference for future events of a similar nature.

Statues create a dialogue between past and present in a public space and were erected because the people and organisations responsible for them at the time deemed that person or event to be important and significant enough to have their life memorialised in British history. It is therefore vital that statues remain in public places, instead of solely in museums, galleries or other closed spaces, to provide historical context for certain areas—but they are also pieces of artwork to be admired for free. Sculptors devote a lot of time to their craft and it deserves to be publicly displayed and respected.

Statues have always been a key part of cities and towns throughout the United Kingdom, but some people stroll straight past them, not paying any attention. However, statues have recently been a major focus of news. Unfortunately, throughout the coronavirus pandemic, many statues have become a focus for controversy, for many reasons.

No one's life or no historical event is completely free of controversy. Even the seemingly most blameless of characters in our past would have some sort of negativities that protestors and the media could pick on. The recent protests sought to examine history, I believe, from the wrong point of view: by imposing today's values on the past. On Monday, I shall be meeting the Metropolitan police commissioner to, among other things, raise concerns I have on this particular matter. If there are demands for statues to be removed for whatever reason, it should certainly be done in the proper manner. I do not condone the violent, illegal removal of statues by the general public. If the person or event depicted in the statue has serious negative undertones that offend people, they should make representations of their beliefs and views to the local authorities and request that the statues be removed safely and placed in museums.

If we tear down statues because those that they depict had some unsavoury character traits or events in their life, where do we stop? Do we remove paintings from galleries by artists or ban television shows that

[*Sir David Amess*]

feature actors or actresses that have a similar background? Do we demolish buildings that were built off the back of slaves or funded by people who made their money by means that we now find offensive? Statues do not necessarily represent a whole person's life or morals. They are more often than not erected to depict a certain period of an individual's life or a specific event that they were involved in that undoubtedly improved our country for the better. For example, Sir Winston Churchill led our country to victory in the second world war. He is widely considered one of the 20th century's most significant figures, defending Europe's liberal democracy from the spread of fascism. However, his statue was illegally graffitied with the word "fascist" during the recent protests.

The British Monarchists Society recently came to me with a project, which I am sure the nation will back. They would like a statue of the Queen erected to celebrate her platinum jubilee in 2022. The royal sculptor, Christian Corbet, has made preliminary sketches of the monument, which is planned for a suitable, prestigious position in the vicinity of Buckingham Palace and the Palace of Westminster. I believe it would be possible to fund the statue through public subscription and I hope that all colleagues will be supportive of the project. After all, our monarch has served our nation and the Commonwealth so well for nearly 70 years, and she is currently the longest-serving head of state in the world.

I have a little experience myself in securing a statue for display in a public place. A friend of mine, Paul Lennon, gave me a book to read about the life of Raoul Wallenberg. This extraordinary Swedish diplomat saved the lives of as many as 100,000 Jews in Hungary through Schutz-Passes, or protected passports, and by sheltering Jews in buildings designated as Swedish territory. Encouraged by the person who ran my office at that time, the late Lionel Altman, who happened to be Jewish, we then embarked on a crusade to get a statue erected. I am delighted to say that it was unveiled in 1997 by Her Majesty the Queen, together with the President of Israel. The statue stands outside the Western Marble Arch synagogue near the Swedish embassy. The whole process took two years.

Furthermore, having publicly supported the local campaign, I am pleased to see that Eric Cole, founder of the Ekco factory in Southend that produced radios and televisions, has rightfully had a statue erected in Ekco Park estate. Not only was Ekco an innovator in electronics during the early and mid-1960s in Britain, but Eric was a pioneer in paid holidays and workplace pensions. Ekco employed more than 8,000 people in Essex, and Eric and his company are an important part of our history, especially in Southend, which is another reason why we will become a city. The company was loved by many, and it is important to permanently mark Eric's achievements with a memorial on the grounds of the old factory.

I have long thought, for instance, that it is absolutely ridiculous that we have no legacies of former Prime Ministers, such as they have with the Presidential libraries in America. On a slightly tacky note, America also has stars on the Hollywood walk of fame, and I think there should be similar recognition in the UK for famous entertainers.

In June this year, London's Mayor announced a commission to review the diversity of London's public statues, which among other things will focus on increasing the representation of women. Dame Vera Lynn is a woman whose life and music are a momentous part of our life and culture. In conjunction with Dame Vera's family, Tom Jones and Virginia Lewis-Jones, we are planning to commission and erect a statue of the late Dame Vera Lynn. I intend to meet the Prime Minister about this issue. Dame Vera, who like me comes from the east end of London, was a truly remarkable woman. Famously known as the forces' sweetheart, Dame Vera boosted the morale of all those in the second world war—particularly, as she often described them, "our boys in the far east", who had been forgotten.

Last month marked the 75th anniversary of Victory over Japan Day. While Dame Vera lived to see the anniversary of Victory in Europe Day in May, she unfortunately died in June this year at the remarkable age of 103, just a year behind my own mother. I believe that our nation is united in its desire for a public statue of our national treasure, which Dame Vera undoubtedly is. As part of my Victory over Japan Day celebrations this year, I organised and produced a video remembering and thanking all our veterans for their service in the far east. Those who fought in the far east are so often overlooked and forgotten, overshadowed by Victory in Europe Day. We must make sure that Dame Vera's inspiring work is not also forgotten or overlooked.

Dame Vera's daughter, Virginia Lewis-Jones, helped her mother write her book, "Keep Smiling Through: My Wartime Story". It is an inspirational book that confirms the validity of the plan to erect a statue of Dame Vera. At this stage, it is not possible for me to announce the arrangements for the launch of the campaign, who the sculptor will be or where the statue will be placed. However, we have someone in mind who is very well known for their wonderful work. Even before the present controversy over statues, I recall vividly, as of course do you, Mr Deputy Speaker, the argument about the siting of the late Baroness Thatcher's statue. That argument was well and truly overcome, and Margaret now looks over us all in Members Lobby. More specifically, there are many statues near the Palace of Westminster celebrating the work of our veterans in the second world war.

I know that a memorial for Dame Vera would be welcomed by countless members of the general public, as she is an important historical figure who deserves to be added to the list of statues alongside equally influential figures of our past.

With regard to the rules and regulations surrounding the erection of statues, different local planning authorities within London have their own local policies. Westminster City Council set out its considerations that it will take into account in granting or refusing planning permission for a new statue. The council has established a monument saturation zone around Whitehall, where applications for new statues and monuments will not be permitted unless there is an exceptionally good reason. There are many exceptionally good reasons to have a memorial for Dame Vera Lynn. Not only did she motivate and give our forces hope throughout the second world war through her music on the radio, but she travelled to Egypt, India and Burma during the war to give our troops outdoor concerts. To name just a few of her

songs: “We’ll Meet Again”, “The White Cliffs of Dover” and “There’ll Always Be An England”—and they were a reminder to those in the far east what it means to be British and to keep on fighting for the freedom that we enjoy today.

Westminster City Council’s policies also state:

“Any proposal for a statue or monument must have a clear and well defined historical or conceptual relationship with the proposed location. Proposals for new statues and monuments where there is no relationship between subject and location will not be acceptable.”

Dame Vera Lynn did have a clear and well-defined historical and conceptual relationship with Westminster and London. She was born in London and lived here for many years. She would sing to people who were using the tube platforms as air raid shelters during the war. The document also highlights the 10-year principle that no statues or memorials should be erected before 10 years have elapsed from the death of the individual or the event commemorated. It states:

“Only in the most exceptional circumstances will statues or monuments be considered within the ten year period.”

Dame Vera Lynn is an exceptional circumstance to that principle, and a statue in her honour should be in place before 2030.

Dame Vera devoted much of her life to charity work connected with ex-servicemen, disabled children and breast cancer. In 2002, she became president of the cerebral palsy charity, Dame Vera Lynn Children’s Charity, and in 2000 she was named the Briton who best exemplified the spirit of the 20th century.

Dame Vera Lynn is adored not only by her family, friends and veterans who listen to her music but by the general public throughout the UK. That was made clear by the heart-warming tributes paid to her by Queen Elizabeth II, who sent private condolences to Dame Vera’s family, and by the Clarence House tributes from Prince Charles and the Duchess of Cornwall. My right hon. Friend the Prime Minister and the Leader of the Opposition also led with tributes in Parliament. On the day of her death, regular programming on the BBC was stopped to broadcast tributes to Dame Vera, and she was given a military funeral, which was widely attended by the public.

Recent data from the Public Monuments and Sculpture Association show that of the 828 statues it recorded in the United Kingdom, only 174 are of females. If we do not count the nameless female figures, there are only 80 statues of named women. By contrast, out of 534 statues of men, 422 are named. Even among the 80 female figures with names, 15 are mythical or otherwise fictional, and 38 are royal. Queen Victoria is the woman most commonly memorialised. We must improve the diversity of our public statues and display a memorial of Dame Vera Lynn. She was a wonderful lady and truly inspirational person who helped her country through some of the most challenging of times.

2.47 pm

**The Parliamentary Under-Secretary of State for Digital, Culture, Media and Sport (Matt Warman):** I congratulate my hon. Friend the Member for Southend West (Sir David Amess) on securing this debate and on highlighting such an important issue. In doing so, he has provided the Government with a welcome opportunity to lay out in Parliament our thinking about statues. This is a debate that needs more nuance, not less, and I thank my

hon. Friend for a thoughtful speech. This subject can provoke incredibly strong emotions and reactions, and although we might disagree with those reactions, we would all do well to remember that those views are sincerely held.

It is important that the Government are clear: we believe that our history shapes us and that we are poorer if we seek to deny that history. We believe that the right approach to statues, however contentious, is to retain and explain their presence. I hope that that provides my hon. Friend with some of the reassurance he seeks, and I hope to explain the Government’s approach to why and how this issue should be addressed.

As my hon. Friend made clear, there are many diverse opinions on the matter of statues in the public realm, and no one would suggest—dare I say it?—that a discussion between two white men will capture the totality of views that have been expressed about this highly contested space. As he said, my hon. Friend has a hugely successful track record of managing to have public statues erected, and thanks to him statues of Eric Cole and Raoul Wallenberg are among the 12,000 outdoor statues and memorials in England. Most of them are not protected as listed buildings, as they are not currently recognised to be of special architectural or historic interest—those are the criteria set out in legislation. Nevertheless, those statues are of interest and significance, and often pride, to the local communities in which they are erected.

A significant number of the 12,000 statues are listed in their own right or form part of buildings that are listed and are therefore protected against inappropriate removal or amendment without a rigorous consent process led by the relevant local planning authority. The regulatory framework that governs the removal and amendment of existing public statues and memorials can therefore be complex, particularly when one realises that planning permission can also be required. The same can be true in relation to proposals for the erection of new statues, where, in addition to requiring planning permission, the permission of the landowner is also required, and my hon. Friend’s has referenced this complexity in his ongoing campaign to have a statue erected to the extraordinary Dame Vera Lynn.

This country has a long and well-established tradition of commemorating its national and local dignitaries with statues, and they serve as a long-lasting reminder of their actions and the contributions that they, like Dame Vera, made to this country. Parliament continues that tradition. We have an abundance of historic and contemporary figures for the public to enjoy, from Oliver Cromwell to Baroness Thatcher. Local communities commemorate their own heroes in the same way, and many of these figures are a real source of local pride. Alan Turing, a pioneer of modern computing, is commemorated both at Bletchley Park, where he worked on the Enigma code, and in Manchester, where he studied. Up the road in Oldham, a recent addition to its public statuary is that of Annie Kenney, a local suffragette and former mill worker and an associate of Christabel Pankhurst, who was jailed for three days for challenging MPs who opposed the campaign for votes for women.

Being commemorated in a public space, often funded by public consultation, is a positive way to acknowledge the contributions individuals have made to their communities and to the nation, and, as we look on those statues, we learn important things about the society

[*Matt Warman*]

that put them up. As my hon. Friend alluded to in his speech, the back story of some of those individuals and their place in history is ridden with moral complexity. Statues and other historical objects were created or obtained by generations with different perspectives and different understandings of right and wrong.

Some of the individuals we have esteemed in statuary, such as Colston or Rhodes, are figures who have said or done things that we may find deeply offensive and would not defend today. Although we may now disagree with those figures, they play an important role in teaching us about our past with all its faults. We are all products of our times, and our attitudes, beliefs and values often reflect the age in which we live. Some of the values of earlier centuries look bizarre through the lens of 2020, but that brings us to the current debate about whether we should be removing statues of—usually—men who were esteemed and well regarded in the past, but who by today's standards and values built their wealth and fame on things we now find morally repugnant, such as the transatlantic slave trade.

As a confident and progressive country, we should face that difficult fact squarely. We should not wipe them from the history books. Historic England, the Government's adviser on the historic environment, agrees, arguing that if we remove difficult and contentious parts of our heritage, we risk harming our own understanding of our collective past. Rather than erasing these objects, we should seek to contextualise or reinterpret them in a way that enables the public to learn about them in their entirety, however challenging that may be. The aim should be to use them to educate people about all aspects of Britain's complex past, for better or worse. Put simply, the Government want organisations to retain and explain, not remove, our heritage.

One potential innovative approach is the talking statues project. This project identified a number of statues in London and Manchester, including of Abraham Lincoln and George Orwell, and commissioned some of the nation's most celebrated writers and actors to animate them through voice recordings. Members of the public could activate the conversation using their smartphones, and although this is not a perfect fit in the context of

contested heritage, it is a concept that works and could be developed, because heritage is not just about our past—we create it every day. I am keen to see new and innovative approaches to understanding and celebrating those parts of our collective cultural and civic life.

In his speech, my hon. Friend proposed two new statues around Westminster that could help to create today's heritage: one of Her Majesty the Queen, to mark her jubilee commemorations in 2022, and a second, which he forcefully lobbied for, of Vera Lynn, the forces' sweetheart and a national icon. I wish him the best of luck in both of these very deserving endeavours.

Finally, I echo my hon. Friend's condemnation of the events around Westminster in the spring. I was appalled to see pictures of the protests earlier this year. There can be no justification for defacing statues and symbols of British history, nor for damaging memorials. The public are also rightly concerned about respect for memorials of all types. Memorials do not just have historical significance as part of our national heritage; they are also of deep symbolic, cultural or emotional importance to the people who visit them. When damage occurs to memorials, the law must recognise the range and level of harm caused. The Government's White Paper, "A Smarter Approach to Sentencing", published earlier this month, includes a commitment to review the law in this area to ensure that the courts can sentence appropriately at every level for this type of offending.

There are some who may not be willing to compromise and for whom the only solution is to remove statues from public display, regardless of how they are recontextualised. It is essential that the Government have sanctions in place against those who wilfully deface, remove or otherwise interfere with public statuary or commemorations. That said, I remain committed to the hope that, through dialogue and improved contextualisation of the stories of those commemorated, we can arrive at a consensus about how best to address contested heritage. Rather than tearing things down, we should work at building that consensus and at building a better and fuller understanding of our complex history.

*Question put and agreed to.*

2.56 pm

*House adjourned.*

# Written Statements

*Friday 25 September 2020*

## HEALTH AND SOCIAL CARE

### Covid-19 Update

**The Secretary of State for Health and Social Care (Matt Hancock):** As the covid-19 incidence rate continues to rise across the country, a suite of local and national actions is required to break the trains of transmission and enable people to maintain a more normal way of life.

The Government will act swiftly and decisively to limit further spread, reduce disruption and contain local outbreaks. The local action committee command structure has been reviewing the latest evidence, working with local leaders and the scientific community to assess the data and whether further evidence is required.

The latest data shows a sharp increase in incidence rates per 100,000 population in Leeds, Blackpool, Wigan and Stockport, which are significantly above the national average.

As a result, we are making regulations which take effect from Saturday 26 September and will impose restrictions on inter-household mixing in private dwellings and gardens in Leeds, Stockport, Wigan and Blackpool. This is in line with measures seen elsewhere in the country, such as Leicester and the West Midlands. People who live in these areas will not be allowed to gather in a private dwelling or garden with any other household unless in a support bubble. People from anywhere else will also not be allowed to gather with another household in a private dwelling or garden in these areas.

We have also reviewed the position in Leicester, the Borough of Oadby and Wigston, Birmingham, Solihull, Sandwell, Wolverhampton, Bolton, Bradford, Kirklees, Calderdale and the remaining local authorities in Greater Manchester and have decided to maintain their position on the watchlist as areas of intervention, as well as the current restrictions in these areas.

This will be difficult news for the people living in these areas, profoundly affecting their daily lives. These decisions are not taken lightly, and such measures will be kept under review and in place no longer than they are necessary. There are exemptions to these measures so people can still meet with those in their support bubble. There are other limited exemptions such as for work purposes or to provide care or assistance to a vulnerable person. Through the Health Protection (Coronavirus, Restrictions) (Protected Areas and Linked Childcare Households) (Amendment) Regulations 2020, people may create an exclusive childcare bubble for the purposes of informal childcare for children under 14, helping ease pressure on those living under local restrictions so they can get to work.

The guidance on gov.uk covering these areas will also be amended to fully reflect these changes.

[HCWS470]

## HOUSING, COMMUNITIES AND LOCAL GOVERNMENT

### Homelessness Reduction Act: Review

**The Parliamentary Under-Secretary of State for Housing, Communities and Local Government (Kelly Tollhurst):** The Homelessness Reduction Act 2017, which came into force in April 2018, is the most ambitious reform to homelessness legislation in decades and our manifesto committed to enforce the Act in full. It is a key lever for reducing homelessness as we seek to end rough sleeping within the lifetime of this Parliament.

The Act placed new duties on local housing authorities to take reasonable steps to try to prevent and relieve a person's homelessness, and introduced a new duty on named public authorities to refer users of their service who they think may be homeless or threatened with homelessness to their chosen local housing authority. For the first time, local authorities and other public bodies must work together to actively prevent homelessness for people at risk.

During the passage of the Homelessness Reduction Act through Parliament, a commitment was made that a review of the Act would be undertaken within two years of commencement. This commitment was reaffirmed in the rough sleeping strategy. This was delayed by covid-19. However, today we are publishing this review. A copy will be deposited in the Library of the House and will be published on gov.uk at

<https://www.gov.uk/government/consultations/homelessness-reduction-act-2017-call-for-evidence>

The review found that the Act has significantly strengthened England's homelessness safety net at the national and local level. The findings indicate positive change with more people being helped to prevent and relieve their homelessness than ever before, in particular single people who prior to the Act would have received much more limited support. Since the introduction of the Act, 365,000 single households—almost two thirds of the total number of households who were owed a prevention or relief duty—including 28,000 people with a history of rough sleeping and over 15,000 people who were rough sleeping at the time of the assessment, have been assessed as owed help to prevent or relieve their homelessness.

As you would expect for legislation in its infancy, there remain challenges to full and effective implementation. There are changes under the Act that will take a longer time to fully embed such as the development of the local homelessness workforce and engagement with public authorities under the duty to refer. The Government are committed to fully enforcing the Homelessness Reduction Act, and we will continue to work with the homelessness sector, local authorities and their partners to ensure the Act is working effectively for all involved. In 2020-21, the Government have provided an additional £63 million through the homelessness reduction grant for local authorities to implement the Act. Taken together, the overall amount spent on rough sleeping and homelessness this year is over half a billion pounds.

[HCWS469]



# WRITTEN STATEMENTS

Friday 25 September 2020

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