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25 January 2022**

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**HOUSE OF COMMONS
OFFICIAL REPORT**

**PARLIAMENTARY
DEBATES
(HANSARD)**

Tuesday 25 January 2022

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The House met at half-past Eleven o'clock

PRAYERS

[MR SPEAKER *in the Chair*]

Mr Speaker: Order. Before we come to questions, I wish to make a short statement in relation to question 5. I am exercising the discretion given to the Chair in respect of the resolution on sub judice matters to allow a full reference to the Northern Ireland protocol.

Oral Answers to Questions

FOREIGN, COMMONWEALTH AND DEVELOPMENT OFFICE

The Secretary of State was asked—

Middle East

1. **Alan Brown** (Kilmarnock and Loudoun) (SNP): What recent discussions she has held with (a) the Government of Israel and (b) representatives of the Palestinian Authority on supporting the peace-building process. [905224]

3. **Stephen Crabb** (Preseli Pembrokeshire) (Con): What recent discussions she has held with counterparts in the middle east on the Abraham Accords. [905226]

13. **Holly Lynch** (Halifax) (Lab): If she will take diplomatic steps to support the creation of an international fund for Israeli-Palestinian peace. [905236]

The Minister for the Middle East, North Africa and North America (James Cleverly): My right hon. Friend the Foreign Secretary met the Israeli President Mr Herzog and the Israeli Foreign Minister Lapid during their respective visits to the UK in November. I also recently discussed the situation in Israel and the Occupied Palestinian Territories with Israeli Deputy Foreign Minister Roll and Palestinian Prime Minister Shtayyeh.

The Foreign Secretary made clear her commitment to the Abraham accords at the Gulf Co-operation Council-United Kingdom Foreign Ministers' meeting on 20 December. The UK is working with Gulf partners to help deliver shared prosperity and security for Arabs and Israelis alike. We support the objectives of the US Middle East Partnership for Peace Act and we will continue to engage with the US to identify opportunities for further collaboration. I outlined the UK's support for increasing dialogue between Israelis and Palestinians at the Alliance for Middle East Peace's "light the way" gala on 12 December.

Alan Brown: Meanwhile, evictions and demolitions continue in East Jerusalem aimed at eradicating Palestinian presence from the whole basin, with a cemetery desecrated to make way for a Jewish national park and new settlements planned that are designed to smash the concept of a two-state solution. When will the UK Government actually take actions to demonstrate that violations of international law do indeed have consequences?

James Cleverly: The UK enjoys a close and important relationship with Israel, and that enables us to raise important issues such as settlement demolitions directly with the Israeli Government, which we do. The UK's long-standing policy is to pursue actions that support the creation of a viable two-state solution, and that will remain the focus of our engagement with both the Government of Israel and the Palestinian Authority.

Stephen Crabb: If anybody wants to see something genuinely positive and uplifting in foreign affairs, they should look at the Abraham accords and the fruit stemming from them in the remarkable growth in trade, investment and people-to-people contact between Israel, the United Arab Emirates and other Arab states. Given the UK's excellent relations throughout the Gulf region and our bilateral ties with Israel, does my right hon. Friend agree that we are well placed to help foster the growth of the Abraham accords' fruit? Will he look at how he can encourage other states to embark on the same journey of peace and friendship with Israel?

James Cleverly: My right hon. Friend is absolutely right that the UK enjoys excellent relations with all the signatory nations to the Abraham accords. Indeed, I was in Bahrain when the first ever Bahraini ambassador to the state of Israel was announced, and it was genuinely a joyous occasion. The UK will continue to support the Abraham accords and greater joint working between the states in the region. Ultimately, that is the best way to pursue peace, prosperity and freedom for all.

Holly Lynch: In 2017, I had the opportunity to visit Israel and Palestine, and what I saw in the west bank really shocked me. We must never see a return to last year's violence. Will the Minister renew our commitment to an international fund for Israeli-Palestinian peace, based on the model of the International Fund for Ireland, and update the House on our international efforts to make the fund and lasting peace a reality?

James Cleverly: The hon. Lady makes an important point about the relationships between Israelis and Palestinians. The UK has, does and will continue to support and facilitate people-to-people contacts and cross-community contacts as well as ensuring that the Government of Israel and the Palestinian Authority also have a good working relationship. That is and will remain a foundation stone of our foreign policy in the region.

With regard to ALLMEP—the Alliance for Middle East Peace—we have had discussions with the United States of America, and I have had discussions with representatives of the organisation. We will continue to explore what role the UK might play in the future delivery of that.

Dr Matthew Offord (Hendon) (Con): The successful conclusion of peace talks between Israel and the Palestinians is key to bringing peace to the region, yet Hamas publicly condemn peace negotiations and has committed itself to Israel's destruction. Does my right hon. Friend agree that until Hamas disarms, Israel cannot be expected to negotiate with a terror group which calls for its very destruction?

James Cleverly: Hamas has not proven itself to be good for the Palestinian people. The simple truth is that its aggressive posture and threats to eradicate the state of Israel have harmed relations between Israelis and Palestinians. We wish to see a viable two-state solution with Israelis and Palestinians living side by side in peace, prosperity and freedom. Hamas has long been a roadblock to that. We call upon it to set aside its violent ways and pursue a path to peace.

Afghanistan: Humanitarian Situation

2. **Dr Rupa Huq** (Ealing Central and Acton) (Lab): What recent discussions she has had held with international partners on the humanitarian situation in Afghanistan. [905225]

6. **Mr Virendra Sharma** (Ealing, Southall) (Lab): What diplomatic steps her Department has taken to help secure safe routes for refugees as part of the Afghan citizens resettlement scheme. [905229]

11. **Rachael Maskell** (York Central) (Lab/Co-op): What diplomatic steps she is taking to help secure safe routes in third countries for people seeking to leave Afghanistan. [905234]

The Minister for the Middle East, North Africa and North America (James Cleverly): The UK has supported more than 3,400 people in leaving Afghanistan since the end of the Operation Pitting evacuation and we will continue in our efforts. The UK is contributing £286 million in humanitarian assistance to Afghanistan in this financial year and we have disbursed more than £145 million already so far. My noble Friend Lord Ahmad visited Qatar on 17 January to discuss these issues directly with the Qatari Government.

Dr Huq: What was a monumental military miscalculation has turned into a humanitarian catastrophe, with Gordon Brown—bless his cotton socks—warning of 23 million people, including women and children, facing starvation. That is 97% of the population below the poverty line. What are the Government doing to ensure that aid bypasses the Taliban and reaches those in need, who include constituents of ours—British nationals who are still trapped in that nightmare, harbouring hopes of getting home?

James Cleverly: As I said in response to the hon. Lady's initial question, the UK has committed £286 million and already distributed £145 million. We recognise that there is a pragmatic need to have a relationship of some sort with the Taliban. However, our conditions for that have always been clear. They need to renounce violence, not be a haven for terrorism and not take part in reprisal actions. Aid diversion is always an important consideration and that is as true in Afghanistan as it is anywhere else. We are seeking to support the Afghan people, not prop up the Taliban regime.

Mr Virendra Sharma: Yesterday I heard the shocking story of a refugee stuck in Iran, unable to leave because he has been told he needs to register with the Iranian Government. There have been cases of refugees in Iran being returned to their countries of origin, so he is too scared to register. Will the Minister act to ensure that cases such as that do not occur, secure a safe route and meet me to discuss this special case?

James Cleverly: I invite the hon. Gentleman to write to me about the case. My noble Friend Lord Ahmad speaks with countries in the region that border Afghanistan. The House will be unsurprised to hear that our relationship with Iran is more strained than the relationship we have with other countries in the region. Nevertheless, we recognise that land routes across to Iran are an exit route for some people who are in fear of their lives in Afghanistan. It is not possible for me to comment on individual cases without more details.

Rachael Maskell: Afghan citizens at risk cannot move, because without safe destinations and third countries to escape to, they will not be safeguarded by the specific measures in place against many of the risks they are experiencing in Kabul. With the Afghan citizens resettlement scheme inoperable and Government promises to protect minoritised groups and human rights activists and campaigners in tatters, what discussions is the Minister having with the leadership in third countries to guarantee a safe destination? How is the UK contributing to the safety of those people at this time?

James Cleverly: I refer the hon. Lady to the answers I have already given on this issue. We have supported more than 3,400 people in leaving Afghanistan since the end of the Operation Pitting evacuation in August. That includes more than 2,200 Afghan citizens who either worked for the UK or worked in support of the UK's objectives, or who are vulnerable—female judges, LGBT activists and injured children, for example. The UK is absolutely playing its part and we will continue to liaise with other countries, both in the region and those bordering Afghanistan, to help alleviate the terrible situation that Afghans find themselves in.

Mark Logan (Bolton North East) (Con): The all-party parliamentary group on Afghanistan invite the Minister's Department to give an update on what representations the Department has made to international counterparts about the force used by the Taliban against those protesting against deteriorating living standards, in line with the comments by the hon. Member for York Central (Rachael Maskell).

James Cleverly: I will pass my hon. Friend's comments to our noble Friend Lord Ahmad, who I know takes these issues incredibly seriously. He visited New York in October to hold events with Afghan women and to speak in the UN's annual debate on women, peace and security. My right hon. Friend the Foreign Secretary has visited a number of countries in the region and beyond to solicit their support in alleviating the situation in Afghanistan.

Theresa Villiers (Chipping Barnet) (Con): The Open Doors world watch list identifies Afghanistan as the most dangerous place in the world to be a Christian.

Will the Government put the protection and support of Christians around the world and in Afghanistan at the heart of their foreign policy?

James Cleverly: Freedom of religion or belief remains an incredibly important strand of UK foreign policy. The plight of Christians in Afghanistan is dire, but indeed that reflects the plight of a number of other religious and ethnic minorities in Afghanistan. A cornerstone of our foreign policy is our pursuit of genuine freedom for all, and freedom of religion or belief is an important part of that—without it, is anyone really free at all?

Mr Steve Baker (Wycombe) (Con): Many of my constituents have connections to people stuck in Afghanistan who they believe would have had a pre-existing visa entitlement to come to the UK. What steps will the Government take to ensure that those people who would have been entitled, had the Afghan Government not fallen, can come and join their families in Wycombe?

James Cleverly: The Foreign, Commonwealth and Development Office and the Home Office have maintained a close working relationship on such issues throughout this situation. Entitlement for foreign nationals to settle in the UK is ultimately a Home Office competency, but we will continue to work closely with the Home Office on such issues.

Preet Kaur Gill (Birmingham, Edgbaston) (Lab/Co-op): The situation facing millions of Afghans right now is unimaginable—starving families lining up for food; parents selling their babies and handing teenage daughters to the Taliban for cash; a mother so desperate that she sold her kidney and two of her daughters. Yet amid this horror the UK Government slashed the overseas aid budget, actually cut their support for Afghanistan from 2019 levels and, with only two months to go, disbursed only half of the humanitarian aid and assistance they promised. With 5 million children now on the brink of famine, will the Government show leadership by releasing the remainder of the pledge and taking the action proposed by the UN, Save the Children and former Prime Minister Gordon Brown by convening a humanitarian pledging conference to raise the £5 billion needed? Failure to act will cost more lives.

James Cleverly: I remind the hon. Lady that the £286 million that we have allocated to Afghanistan was put in place in the autumn, and we are still ensuring that the money is distributed. She made the important point that doing so quickly can sometimes come at the cost of doing so carefully. We want to ensure that our money reaches the people who are in need and is not diverted to support the Taliban regime. The UK remains at the forefront of international efforts to support Afghanistan, and I am proud of the work that my Department and the whole UK Government have done.

Supporting Democracy

4. **Lia Nici (Great Grimsby) (Con):** What diplomatic steps her Department is taking to support free and democratic states from threats by autocratic regimes. [905227]

10. **Richard Graham (Gloucester) (Con):** What steps her Department is taking to help strengthen democracies and open societies across the world. [905233]

The Parliamentary Under-Secretary of State for Foreign, Commonwealth and Development Affairs (Vicky Ford): Democracy and freedom are at the heart of our Foreign Secretary's vision for a network of liberty that will use partnerships in trade, security and technology to promote democratic values. We are committed to working with partners and allies across the world, including civil society, to support more open, inclusive and accountable societies.

Lia Nici: After the fall of the Soviet Union, the people of Ukraine chose for it to become a free and independent country, which, rightly, was supported by the United Kingdom. At this time of Russian threat, can the Minister confirm that she will do all she can to ensure that it stays free, whether by diplomatic, economic or military means?

Vicky Ford: The UK and our allies are unwavering in our support of Ukraine's sovereignty and territorial integrity. Any Russian military incursion into Ukraine would be a massive strategic mistake and would come at a severe cost to Russia. We are working with our partners to develop a package of broad and high-impact sanctions that target the Russian financial sector and individuals. We are also providing a range of support to enhance Ukraine's defensive capability.

Richard Graham: I saw in Sarajevo last week how well appreciated is the Government's robust response to the secession threat from Republika Srpska and Bosnia and Herzegovina, and how appreciated is the Westminster Foundation for Democracy's five-year programme that works closely with missions there on more inclusive community and political leadership. That valuable programme comes to an end at the end of March and does not have certainty of further funding, so will the Minister do all she can to expedite budget decisions so that it can continue across the region?

Vicky Ford: I thank my hon. Friend for his work as chair of the Westminster Foundation for Democracy and for all the good that that organisation does globally, including in Bosnia and Herzegovina. We are proud supporters of it and especially of its work to increase the participation of women and young people in politics. On funding decisions, the Foreign Secretary has been clear that we intend to restore funding to women and girls and to humanitarian programmes. We will finalise budget allocations shortly.

Alison McGovern (Wirral South) (Lab): When it comes to democracy and supporting civil society, one of the best things that the Government have done is establishing the Jo Cox memorial grants, which fund precisely the sort of women's empowerment organisations that strengthen civil society, and with which Jo worked throughout her life. Through the Minister, I ask whether the Foreign Secretary would consider meeting me and colleagues from all parties who supported the creation of those grants and would like to discuss the future of them with her.

Vicky Ford: We have made it clear that we have a clear role to promote freedom and democracy. That is a core mission of the FCDO. I did not know Jo Cox as, sadly, I arrived in the House after she had left us, but her legacy lives on. I am sure that the Foreign Secretary would be very happy to meet those who work to keep that legacy going.

Wayne David (Caerphilly) (Lab): There is common agreement across the House that Britain's soft power is of inestimable value, so why are the Government placing the British Council in a situation where it may be forced to close 20 of its offices?

Vicky Ford: As I said, we are looking at budget allocations for the years ahead now that we have a three-year settlement review from the Treasury. Budget decisions have not yet been made.

Catherine West (Hornsey and Wood Green) (Lab): Time and again in this House, the Labour party has raised the issue of the failure to act on the Russia report. The Government have been painfully slow at bringing forward the action that we need to implement its recommendations. With mounting threats of Russian hostility, can the Minister tell the House what discussions she has had with colleagues across Government on the proposed implementation of the counter state threats Bill, the new and refreshed Computer Misuse Act 1990, the reform of Companies House and the register of property ownership, so that London will no longer have the reputation of being the laundromat for the dirty money that comes out of such regimes?

Vicky Ford: Discussions across Government are still continuing.

Alyn Smith (Stirling) (SNP): Mr Speaker, happy Burns night to you and to colleagues later on.

"O wad some Pow'r the giftie gie us

To see oursels as ithers see us"

would be a useful thing for those on the Treasury Bench to remember at the moment.

The best contribution that we, however we define ourselves, can make is to help other countries with resilience against disinformation, and I would praise to the rafters the Resist toolkit run out of the Cabinet Office. We already have a set of measures that we can use to assist other countries to combat disinformation. Could the Minister assure us that this will be beefed up, better financed and rolled out internationally? It is a very good domestic toolkit, but we could do a lot more to it, because plenty of other places really need it.

Vicky Ford: The integrated review made it very clear that the UK will be a responsible and democratic cyber-power. We intend to use our global network to strengthen the case for open, peaceful and secure digital space, pushing back against those who misuse technology or spread disinformation to undermine democracy.

Graham Stuart (Beverley and Holderness) (Con): Could the Minister reassure the House that there are no other Members who have received hundreds of thousands of pounds of funding without question from hostile actors, and what confidence the public can therefore have in this Parliament?

Vicky Ford: I am sure that all Members of the House have been watching these stories very closely. Let me just say that the UK does want to have a mature, positive relationship with China based on mutual respect, but we will not sacrifice our values or our security.

Northern Ireland Protocol: Dispute Resolution

5. **Hilary Benn** (Leeds Central) (Lab): Whether she has plans to change the dispute resolution mechanism in the Northern Ireland protocol. [905228]

The Secretary of State for Foreign, Commonwealth and Development Affairs (Elizabeth Truss): The fact is that the Northern Ireland protocol is not working. We need to make sure that the dispute resolution mechanism under the protocol is in line with that in the UK-EU trade and co-operation agreement and end the role of the European Court of Justice as the final arbiter.

Hilary Benn: I am grateful to the Foreign Secretary for that reply, but as she will know, article 5 of the protocol requires Northern Ireland to maintain regulatory alignment with EU rules governing manufactured and agricultural goods; there are about 287 in all, set out in annex 2. Do the Government agree that that regulatory alignment should continue, and if so, what type of dispute resolution mechanism does the Foreign Secretary think would be appropriate to determine whether those rules are in fact being applied?

Elizabeth Truss: Our view is that the type of arbitration mechanism we need is the type in any standard trade agreement, which is an independent arbitration mechanism.

Dr Philippa Whitford (Central Ayrshire) (SNP): Recent Office for National Statistics data shows the Northern Ireland economy recovering more quickly from the pandemic than any other part of the UK, and a survey by Queen's University has shown that, while people remain concerned about the impact of Brexit, the majority feels that the protocol is providing a unique trading position compared with Great Britain. While there are clearly some specific issues to be resolved, does the Foreign Secretary not recognise that demands to exclude the ECJ are confrontational, and suggestions that article 16 removes the protocol in its entirety are misleading and are creating unrealistic expectations within Northern Ireland?

Elizabeth Truss: I am taking a constructive approach to these negotiations. I was in Brussels yesterday meeting Maroš Šefčovič, and I do believe there is a deal to be done that helps protect peace and political stability in Northern Ireland and enables the free flow of goods between GB and Northern Ireland. Our officials are negotiating all this week, and I will be seeing Maroš Šefčovič again next week to make positive progress.

Mr Philip Hollobone (Kettering) (Con): I welcome the Foreign Secretary's constructive approach to the negotiations, but two years on from Brexit, can she confirm that disputes cannot go unresolved forever and that this situation has to be brought to an end sooner rather than later?

Elizabeth Truss: I completely agree with my hon. Friend on the urgency of this situation, which is why we have been holding intensive talks with the EU to resolve the very real issues there are for traders in GB and Northern Ireland. We do need to make sure that we maintain the sovereignty and territorial integrity of the United Kingdom and that we fix this issue once and for all.

Mr Gregory Campbell (East Londonderry) (DUP): Is the Secretary of State aware that confidence in Northern Ireland that the Government will take decisive action on this and do it quickly has evaporated? We need to see that action taken immediately.

Elizabeth Truss: I assure the hon. Gentleman that I am working very hard with my EU counterparts to resolve the difficult situation in Northern Ireland. We need to sort this out as soon as possible, and that is why we are in intensive negotiations. I believe that there is a deal to be done and that that is in the interests of the people of Northern Ireland, the people of Great Britain and the people of the EU.

Dr Neil Hudson (Penrith and The Border) (Con): We have learned that viruses and many infectious agents do not stick to international or, indeed, domestic borders. That is all too true in the human setting, but also in the veterinary setting. With that in mind, what discussions has my right hon. Friend had with the EU about the possibility of a veterinary or sanitary and phytosanitary agreement?

Elizabeth Truss: My hon. Friend makes a good point about biosecurity. Of course, that is a key priority for us and the European Union. We are exploring all options that maintain the sovereignty and territorial integrity of the UK. I completely recognise what my hon. Friend says: those issues cross borders, so of course we need to work with our EU partners to sort them out.

Ukraine: Diplomatic Efforts

7. **Dave Doogan** (Angus) (SNP): What plans she has to meet with her Ukrainian counterpart. [905230]

8. **Nia Griffith** (Llanelli) (Lab): What diplomatic steps she is taking in response to Russia's threats to Ukraine's sovereignty and territorial integrity. [905231]

The Secretary of State for Foreign, Commonwealth and Development Affairs (Elizabeth Truss): I hosted Foreign Minister Dmytro Kuleba in London in December. I speak to him regularly and I will be visiting Ukraine next week.

A further military incursion by Russia into Ukraine would be a massive strategic mistake and come with a severe cost to Russia's economy, including co-ordinated sanctions.

Dave Doogan: I am pleased to hear about the bilateral discussions between the UK and Kyiv, but with the threat of serious conflict looming over Europe, what meetings has the Foreign Secretary held in recent days with the Prime Minister to discuss the crisis? Can she expand on the intellectual heft or geostrategic advice he applied to her at those meetings?

Elizabeth Truss: I met the Prime Minister last night to discuss this very serious issue. He had a call with President Biden, President Macron and Chancellor Scholz to continue to co-ordinate our efforts. Yesterday, I met the Secretary-General of NATO to talk about the contribution that the United Kingdom is making. I can assure the hon. Gentleman that the UK is at the forefront of putting pressure on Russia and supporting our friends in Ukraine.

Nia Griffith: I appreciate that the Secretary of State may be limited in what she can say in response to my question. The use of propaganda and deceit in warfare is as old as the Trojan horse, but nowadays it can reach millions in a matter of minutes from heavily disguised sources. Will the Secretary of State assure the House that the Government acknowledge the wide-ranging nature of the Russian threat and tell us what role UK experts are playing with NATO allies and Ukrainian counterparts to combat the use of powerful and far-reaching misinformation campaigns?

Elizabeth Truss: The hon. Lady makes the very important point that, as well as the risk of an incursion into Ukraine, there are efforts by the Russian Government to destabilise and undermine democracy. That is why we released intelligence to expose Russian attempts to install a puppet regime in Kyiv. We will continue to expose their playbook, including false flag operations, disinformation and cyber-attacks.

Tom Tugendhat (Tonbridge and Malling) (Con): I very much welcome my right hon. Friend's comments. She will know that the Foreign Affairs Committee was in Ukraine last week. I would like to place on record my thanks to Ambassador Simmons and her impressive team in Kyiv, who are serving our country extremely well. We are off to Sarajevo tomorrow. Does my right hon. Friend agree that we are seeing an arc of instability from Moscow, designed to put democracies on the back foot and make Putin's regime look normal in a world of corrupt thieves? Will she reiterate her stance in the defence of freedom and promise to speak to our German friends about their decision not to support Ukraine with the sale of military weapons from Estonia, which was so recently denied?

Elizabeth Truss: My hon. Friend is absolutely right about the undermining that Russia is seeking to do of European democracy, including Ukraine, and Russia's activities through Belarus and its activities in the Balkans. That is why we have appointed Sir Stuart Peach as our envoy to the Balkans and why I hosted a meeting of all the Balkans Ministers to discuss this issue. We need all our allies to step up. The UK is providing defensive weapons to Ukraine, we are supporting Ukraine economically and we are helping to train its armed forces. We need all our allies to get behind that, because ultimately, we do not want to see a Russian incursion into Ukraine, which would lead to huge loss of life and a huge quagmire, and we need to make Russia absolutely clear about that.

Alec Shelbrooke (Elmet and Rothwell) (Con): To build on my right hon. Friend's answer, what assessment has her Department made of Russia's other surrounding nations and their territorial and sovereign integrity? I

am thinking especially of Azerbaijan and Armenia. Are the actions going on in Ukraine being assessed in respect of whether the west would take any intervention on Russian invasion in those areas?

Elizabeth Truss: My right hon. Friend makes a very good point. We are working with allies and partners across the world because this is a threat not just to Europe, but to broader global stability. I was at a meeting of the Organisation for Security and Co-operation in Europe in November where many of those countries were represented, and I saw very strong statements against further Russian action in the region.

Mr David Lammy (Tottenham) (Lab): As we stand here today, peace in Europe faces its greatest threat in decades. Our darkest moments in history have taught us that aggression must be challenged and bullies must be confronted. Putin's imperialism must be met with our utmost strength and resolve. Twenty-eight years ago, Britain, America and Russia promised that if Ukraine gave up its nuclear weapons, its sovereignty would be assured. Putin has already run roughshod over that by annexing Crimea and backing separatists in the Donbas. Now he threatens Ukraine with full invasion. I ask the Secretary of State: at a time when arms control treaties have unravelled and non-proliferation efforts are under great strain, what message would it send to other countries in the world with nuclear ambitions, such as Iran, if those assurances to Ukraine were worth nothing?

Elizabeth Truss: The right hon. Gentleman makes an extremely good point. In the 1994 Budapest memorandum, Ukraine agreed to give up its nuclear weapons in exchange for the continued protection of its sovereignty and territorial integrity. It is absolutely right that this is about not just European security, which is incredibly important, but the response we will see from other authoritarian regimes around the world if Putin is allowed to get away with what he is seeking to do. That is why it is important that we work with allies, from Japan to India to Australia, as well as the United States and our NATO allies, to strengthen our resolve and our security and to make it absolutely clear that none of these regimes will succeed.

Mr Lammy: We owe it to the people of Ukraine to send a simple and united message: we support their sovereign democratic right to choose their own destiny and we will stand with them in this struggle against Putin's reckless aggression. And we should send a firm, unambiguous message to Putin that any aggression will come at a high price, so will the Secretary of State assure me that any Russian military incursion or attack will be met with a full package of sanctions, unprecedented in depth and severity, cutting Russia out of the global financial system, blocking rouble conversion, halting exports of semiconductors and finally clamping down on the oligarchs who hide their ill-gotten wealth in this capital city?

Elizabeth Truss: I strongly agree again with the right hon. Gentleman. We will make sure that we have the wherewithal to have a very severe package of sanctions in the case of any Russian incursion into Ukraine. We have been working with allies such as the United States, France and Germany to put that together. That is why we brought people together at the G7 in Liverpool,

where we said that there would be severe economic consequences of an incursion into Ukraine. It is important, at this moment, that we see all our partners around the world step up. We are leading by example, but we want to see others follow that example.

Security Partnerships

9. Dehenna Davison (Bishop Auckland) (Con): What recent diplomatic steps her Department has taken to help strengthen security partnerships with nations around the world. [905232]

The Minister for the Middle East, North Africa and North America (James Cleverly): We are building a network of security partnerships to protect our people, our partners and our freedoms. My right hon. Friend the Foreign Secretary has already outlined a number of interactions that she has had at multilateral and bilateral level, which echo conversations that the Prime Minister had last week. The Foreign Secretary was in Australia alongside the Defence Secretary for talks with our Australian counterparts, and on 12 January I was at the NATO headquarters alongside European and Atlantic allies for the NATO-Russia Council. As the Foreign Secretary has made clear, we are working through those partnerships to advance our interests from a position of strength.

Dehenna Davison: I am very proud of the firm support that the UK has shown for Ukraine as we see increasingly unstable and threatening behaviour from Russia. Can my right hon. Friend confirm that as Russia's threatening behaviour towards Ukraine continues and intensifies, he and all Ministers are working with our global partners to encourage further support for Ukraine?

James Cleverly: I can absolutely confirm that our support for Ukraine is discharged not only bilaterally, with training teams and defensive military equipment support, but with work at a multinational level through the Quad, which I attended recently, through NATO and through other international institutions such as the G7, to ensure that all countries support the principles of self-determination, territorial integrity, peace and freedom.

Mr Speaker: I call the Chair of the Select Committee on International Development.

Sarah Champion (Rotherham) (Lab): As the world becomes more dangerous and more uncertain, we need to tackle the root causes of security threats to the UK, namely poverty and instability overseas. I therefore find it very concerning that spending allocations for the conflict, stability and security fund show huge reductions to aid programmes around the world for this financial year: a 63% drop in funding in the middle east and north Africa, for example, and a 53% reduction in the western Balkans. Does the Minister agree that the Government's cuts throughout overseas development are compromising UK security and global stability? What will the Government do to address that?

James Cleverly: We have spoken at length in this House about the economic impact that the country and indeed the world have felt from covid, which has forced us temporarily to reduce our expenditure on official development assistance. We have had confirmation that we will return to 0.7%. With respect to the historical

reductions in key areas such as humanitarian aid and women and girls, we will ensure that that money is returned to the budgets, as the Foreign Secretary has made clear. The process for future budget allocations has not concluded; until it has, any talk about figures can only be speculative on the hon. Lady's part.

Andrew Bowie (West Aberdeenshire and Kincardine) (Con): While all eyes have been on Ukraine, my right hon. Friend will be aware that as a result of recent Russian naval activity, Sweden has taken the decision to send hundreds of troops and arms to the island of Gotland in the Baltic. What are the Government doing to support Baltic and Nordic countries, which feel very much in the frontline, against Russian aggression?

James Cleverly: I can confirm that the Defence Secretary has been doing a lot of work in that area. The Foreign Secretary was in Riga not so long ago. We absolutely recognise that our northern partners, the Baltic states and the Scandinavian countries, are in a geographically difficult and vulnerable place. I can assure my hon. Friend that our support for freedom, democracy and peace extends to that part of the world, as well as to more high-profile issues such as those in Ukraine.

Iran: British Detainees

12. **Valerie Vaz** (Walsall South) (Lab): What diplomatic steps she is taking to help ensure the release of detained British citizens during negotiations with Iran. [905235]

The Minister for the Middle East, North Africa and North America (James Cleverly): I can assure the right hon. Lady and the House that we remain committed to securing the immediate and permanent release of those British dual nationals unfairly detained in Iran. We continue to work together with our international partners. The Foreign Secretary pressed the Iranian Foreign Minister on 8 November for Anoosheh Ashoori, Morad Tahbaz and Nazanin Zaghari-Ratcliffe to be released and to return home to be with their families as soon as possible. I raised their cases with my Iranian counterpart, Deputy Foreign Minister Bagheri Kani, on 11 November. We continue to call on Iran to do the right thing and allow the immediate release and return home of these British dual nationals.

Valerie Vaz: I thank the Minister for his answer, but that was in November. Anoosheh Ashoori is on hunger strike and he needs diplomatic protection. He is innocent. Nazanin Zaghari-Ratcliffe, six years a hostage: innocent. Morad Tahbaz, an environmentalist: innocent. Mehran Raoof, a trade unionist: innocent. Will the Minister commit to working closely with the United States special envoy Robert Malley to bring these innocent hostages home?

James Cleverly: I would remind the right hon. Lady of the point I made before. Our Department works tirelessly, daily, in our attempts to bring these people home and we do so not because questions are raised in the House or sent to us in correspondence but because it is the right thing to do and it is what we are committed to doing. We work tirelessly with international partners, both in the region and across the Atlantic, to bring about the release of these people, whose detention is completely illegitimate and completely wrong and is the

sole responsibility of the Iranian Government. They are the ones who are in the position to release these people and we call on them to do so immediately.

Yemen

14. **Mrs Emma Lewell-Buck** (South Shields) (Lab): What diplomatic steps the Government are taking to help support a negotiated peace settlement in Yemen. [905237]

20. **Gill Furniss** (Sheffield, Brightside and Hillsborough) (Lab): What recent assessment she has made of the implications for her policies of the civil war in Yemen. [905243]

The Minister for the Middle East, North Africa and North America (James Cleverly): A negotiated political settlement is the only way to bring long-term stability to Yemen. On 10 January, I hosted the UN special envoy for Yemen, Hans Grundberg, here in London and reiterated UK support for the UN-led peace process to drive forward the political process in Yemen. We urge the parties to engage constructively in negotiations to end this conflict, which is bringing death and suffering on an appalling scale.

Mrs Lewell-Buck: I thank the Minister for that answer, but this brutal conflict is in its ninth year. Recent deadly coalition-led attacks on children and civilians have rightly been condemned by the UN General Secretary. As the UK is the penholder at the UN for Yemen, does he believe that the continued sales of arms from the UK and the recent withdrawal of UK aid are helping or hindering diplomatic efforts?

James Cleverly: The money that the UK has allocated and distributed in Yemen has helped to protect lives and feed children, and I am incredibly proud of the work we have done. The fact of the matter, however, is that we cannot properly help the people of Yemen until this conflict has come to a conclusion. That is why we continue to work with the United Nations special envoy, Hans Grundberg. I remind the hon. Lady that aggression has been perpetrated by the Houthis in Yemen and across the borders in Saudi Arabia and the United Arab Emirates. We call upon the Houthis to lay down their arms and engage with the peace process so that we can bring peace to Yemen and properly help the Yemeni people to lift themselves out of poverty.

Gill Furniss: The situation in Yemen continues to deteriorate, and the attacks are ever more brutal. Just last week, three children who were out playing football were among 60 people killed when missiles struck Hodeidah and Saada. Does the Minister agree that this demonstrates the importance of re-establishing the group of eminent experts? What fresh efforts does he believe are needed within the UN Security Council to end this terrible conflict?

James Cleverly: The recent loss of life in Yemen, and in the nations surrounding Yemen that have received attacks emanating from the Houthis, is terrible. Ultimately, the best thing we can do as a leading member of the international community and the penholder at the United Nations is to push for peace in Yemen. I have in the past done that directly with the Houthi leadership, and we have done it indirectly through countries in the region

that have some degree of influence with the Houthis. We also have these discussions directly with the Government of Yemen and the Governments in the surrounding countries. It will remain a priority for this Government to pursue peace through the United Nations special envoy and others so that we can set that country on a road to recovery and out of the hell that it currently finds itself in.

Bambos Charalambous (Enfield, Southgate) (Lab): We were all horrified by the atrocities of the airstrike on Friday, which led to dozens of deaths and was another horrific incident in this conflict. It adds to one of the world's greatest humanitarian disasters, with an estimated 20 million Yemenis in need of assistance. As the Minister knows, the Saudi air and sea blockade means that hardly any humanitarian aid is getting through, so I ask him: what influence are the Government using to bring about a peace conference to end the blockade, so that people on the brink of starvation can get the humanitarian aid they need?

James Cleverly: I have in the past spoken both with the Government of Yemen and with countries in the region to ensure that fuel supplies that are needed, both to transport grain and also for grain milling for bread, have been made available, and I am pleased that the UK intervention at those times facilitated the distribution of aid to Yemen. The hon. Gentleman raises the issue of the loss of life that has been experienced, and I remind him that the only way to meaningfully reduce the loss of life, both within Yemen and in the nations around it, is for the parties to get to the negotiating table—and that means the Houthis. We will continue to support the United Nations special envoy in his work to bring that about.

Topical Questions

T1. [905248] **James Sunderland** (Bracknell) (Con): If she will make a statement on her departmental responsibilities.

The Secretary of State for Foreign, Commonwealth and Development Affairs (Elizabeth Truss): Together with our allies, we are standing up to Russian aggression. We will not tolerate their campaign of hybrid warfare aiming to destabilise democracies across eastern Europe. We will continue to expose Russian disinformation, including attempts to install proxies and puppets. The UK is at the forefront of providing support to Ukraine, with defensive weapons and through economics and trade. Any Russian military incursion would be a massive strategic mistake, with severe costs. The Ukrainians will fight and Putin should beware of an intractable quagmire.

James Sunderland: As talks continue in Vienna on reviving the joint comprehensive plan of action nuclear deal, there are fears that Iran gets ever closer to a nuclear weapon. Will my right hon. Friend please convince the House of what is happening to maintain peace in the middle east?

Elizabeth Truss: This negotiation is urgent, and progress has not been fast enough. We continue to work in close partnership with our allies, but the negotiations are reaching a dangerous impasse. Iran must now choose

whether it wants to conclude a deal or be responsible for the collapse of the JCPOA. If the JCPOA collapses, all options are on the table.

Ms Lyn Brown (West Ham) (Lab): Some 9.4 million people are going hungry in northern Ethiopia, airstrikes are killing civilians and the blockade is being used as a political weapon. I am glad that the Under-Secretary of State for Foreign, Commonwealth and Development Affairs, the hon. Member for Chelmsford (Vicky Ford), met Abiy Ahmed last week. Did she make it clear that preventing humanitarian access is an abuse of human rights, that airstrikes on refugees are completely incompatible with UK partnership, and that a real dialogue to enable peace must start now and include the Prime Minister's opponents?

Elizabeth Truss: The hon. Lady is absolutely right: we need to secure peace in Ethiopia. My hon. Friend the Under-Secretary of State for Foreign, Commonwealth and Development Affairs was in Ethiopia and she has been extremely active on the issue. I have also discussed it with the Ethiopian Foreign Minister and urged them to join peace talks.

T3. [905250] **Henry Smith** (Crawley) (Con): When I was in Ukraine last week, the senior Government officials and military commanders wanted me to express the sincere gratitude that that country has for the support the United Kingdom is providing. What assessment has my right hon. Friend made of the involvement of the regime in Belarus in supporting Russian threats to Ukraine?

The Minister for Europe (Chris Heaton-Harris): The world is aware that Russia is on manoeuvres both on Ukraine's borders and across Belarus. We continually develop our assessment of the situation. I can only repeat what my right hon. and hon. Friends have said about the massive strategic mistake that Russia would make were it to invade Ukraine's territorial borders.

T2. [905249] **Rachael Maskell** (York Central) (Lab/Co-op): Just 5.5% of people in low-income families are still vaccinated against covid-19. That means disaster for so many nations. Why are the Government blocking the patent when the in-country manufacture of the vaccine could save millions of lives? The Government's donation is simply a drop in the ocean.

The Minister for Asia (Amanda Milling): Throughout the pandemic our top priority has been to save lives. We firmly believe that the best way to do so is to support the world's leading scientists. There is no evidence that the intellectual property rights waiver would help to save lives. The TRIPS—trade-related aspects of intellectual property rights—waiver proposal would dismantle the international IP framework that helped to produce the vaccines at an unprecedented pace.

T4. [905251] **Mike Wood** (Dudley South) (Con): [R] People in Dudley South and across Britain with vivid memories of the famines that followed civil war in Ethiopia in the 1980s will look with horror at recent reports from that country. What update can my hon. Friend the Minister give on the situation in Ethiopia and the prospects for a lasting peace?

The Parliamentary Under-Secretary of State for Foreign, Commonwealth and Development Affairs (Vicky Ford): My hon. Friend is right that the war in northern Ethiopia has caused huge suffering, but there are some welcome signs that it may now be possible to move towards peace. I visited Ethiopia last week and met Prime Minister Abiy. I urged him not only to work towards peace talks but to ensure that humanitarian aid flows to those who need it. We in the UK stand ready to support all efforts towards finding peace.

T5. [905252] **Tony Lloyd** (Rochdale) (Lab): The country will be astonished by the Minister's answer on the TRIPS waiver. If it is right that nobody is safe until the whole world is vaccinated, how is it that the United States, for example, thinks that the waiver would allow vaccines to be produced in the right places for the right people but we are one of the very few countries sticking out to prevent it?

Elizabeth Truss: This is the country where the Oxford-AstraZeneca vaccine was developed. It has been supplied at cost around the world and I have seen it being produced in the Serum Institute in India, as well as in Mexico. The fact is that we have supported the roll-out of vaccines around the world and donated to developing countries.

T8. [905256] **John Penrose** (Weston-super-Mare) (Con): How does the Foreign Secretary believe the role of the Commonwealth could and should be developed in future, now that the UK has left the EU?

Vicky Ford: The Commonwealth is a vibrant and valued network of countries and we are deeply committed to it. Commonwealth nations are crucial friends in the delivery of the Foreign Secretary's vision of a network of liberty and the need to plant the flag for freedom around the globe. We look forward to hosting the Commonwealth games in Birmingham this summer and to attending the Commonwealth Heads of Government meeting in Kigali in Rwanda soon.

T6. [905254] **Holly Lynch** (Halifax) (Lab): Members of the all-party parliamentary group on Fairtrade recently met Bismark, a Fairtrade producer from Ghana who attended COP26 to explain how climate change was affecting his crops. As we approach Fairtrade fortnight, will international development Ministers outline how a farmer like Bismark will be able to access the climate-adaptation finance that the UK pledged at COP26 and that will support producers, tackle climate change and improve food security?

Elizabeth Truss: We are soon to launch the developing countries trading scheme, which will help developing countries to get better access to the UK market. We have also just launched British International Investment, which will help developing countries with their climate change adaptation by supporting their investment.

T9. [905257] **Giles Watling** (Clacton) (Con): With the NATO leadership set to change this September, does my right hon. Friend think it apposite that the leadership should go to a representative from a country

that actually meets its defence spending commitments, which are vital to repel aggression from states such as Russia?

The Minister for the Middle East, North Africa and North America (James Cleverly): The UK is proud to be a long-standing—indeed, founding—member of NATO and to consistently meet its 2% target. NATO remains one of the most important institutions for Euro-Atlantic security and it is incredibly important that its future leadership recognises not only traditional threats, as we now see on Ukraine's borders, but emerging threats such as cyber, space and other realms of conflict.

T7. [905255] **Marsha De Cordova** (Battersea) (Lab): Last week saw the first eviction of a Palestinian family in Sheikh Jarrah in east Jerusalem in five years. Demolitions of Palestinian homes in the Occupied Territories have increased by 21% in 2021, and currently, 200 more Palestinian families have eviction orders and are at risk of being displaced. The forced evictions of Palestinians must stop, so will the Minister condemn these demolitions, and what action will he take to stop further evictions of Palestinian families in Sheikh Jarrah?

James Cleverly: I forgive the hon. Lady for not being a devoted follower of my social media feeds and statements; I have already put out a statement on those demolitions. As I said in response to an earlier question, the UK enjoys an incredibly strong relationship with Israel. That allows us to bring up difficult and sensitive issues such as this, but also enables us to work with Israel on areas of mutual interest and concern, including ultimately a viable two-state solution.

James Gray (North Wiltshire) (Con): I very strongly welcome the strength and determination of the message that the Foreign Secretary is sending to Mr Putin to deter any possible aggression against Ukraine; it is just right. However, are there any circumstances under which she could foresee British troops being deployed in a combat role, defending Ukraine?

Elizabeth Truss: As the Defence Secretary said, it is unlikely that that would be the circumstance, but we are working very hard to make sure that Ukraine has the defensive weapons that it needs; that it has the training that it needs—we have trained 20,000 Ukrainian personnel—and that it has the support of the international community. We are pushing our allies very hard to make sure that they are offering similar defensive support.

Tim Farron (Westmorland and Lonsdale) (LD): The Foreign Secretary has concluded a trade deal with Australia, which advantages those who produce their food using animal welfare standards far worse than those met by Cumbrian farmers or British farmers in general. So when will those of us who care about farming and animal welfare standards get a chance to vote on that deal?

Elizabeth Truss: Unlike the hon. Gentleman, I have faith in Cumbrian farmers, and I believe that they are world-beating, and Cumbrian lamb is world-beating. So I encourage the hon. Gentleman to get behind the new trade deal that we are negotiating—the CPTPP. Why does he not go out to the Asia-Pacific region and promote his farmers, rather than talking them down in the House of Commons?

Sir Edward Leigh (Gainsborough) (Con): The Minister will be aware that I have raised repeatedly the case of Maira Shahbaz, a 14-year-old Christian girl forcibly abducted, raped and forced into a marriage. Will the Minister assure me, given that we give hundreds of millions of pounds in aid to Pakistan, that we are insisting that aid is contingent on reform of the blasphemy laws and making sure that there are no forced conversions in that country?

James Cleverly: My right hon. Friend will understand why I will not go into specific details of that case. I can assure him that in our bilateral relationships with Pakistan and other countries where we are aid donors, we also ensure that we use that relationship to promote the values not just of tolerance but of protection of religious freedom. That is as true in Pakistan as it is in other areas, and it is an issue that my noble Friend Lord Ahmed raises bilaterally.

Siobhain McDonagh (Mitcham and Morden) (Lab): What more evidence does the Foreign Secretary need to take sanctions against General Silva, the chief of the defence in Sri Lanka, to follow the American Government in those sanctions for war crimes?

Amanda Milling: We have regularly engaged with the United States and other partners on issues relating to Sri Lanka. The UK Government keep all evidence and potential designations under the UK global human rights sanctions regime under close review, guided by the objectives of the sanctions regime. We would not normally speculate about future sanctions targets, as to do so would reduce their impact.

Andrew Rosindell (Romford) (Con): The Chinese Communist party is expanding its grip over the people of Hong Kong, destroying the freedoms and liberties defended by the British Crown for 100 years. Will the

Foreign Secretary join me in condemning China for its flagrant misuse of power and its undermining of the rule of law?

Amanda Milling: We continue to make clear to mainland Chinese and Hong Kong authorities our strong opposition to the national security law, which is being used to curtail freedoms, punish dissent and shrink the space for opposition, free press and civil society. As a co-signatory to the joint declaration, we will continue to stand up for the people of Hong Kong.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): It is good to be back after my brush with covid.

This could not be more topical; this morning we have seen crisis around the world, particularly in the problems on the border with Russia. Let me say, as the Labour Member who has been in the House the longest, that when we have such a crisis, we expect to see the Prime Minister not on the phone or on video calls, but out there visiting, talking, organising and showing leadership—showing that we care and that we lead from the front? Please, knock on No. 10 and get him out of there, and let us hope he does not say, “Crisis? What crisis?”

Elizabeth Truss: We have been leading on the response to Ukraine. Only last night, the Prime Minister was on a call with the President of the United States, the President of France and the Chancellor of Germany. We are showing leadership in providing defensive support to Ukraine and putting in place the toughest economic sanctions in the case of a Russian incursion. I encourage the hon. Gentleman to put his points to the Russian President.

Downing Street Parties: Police Investigation

12.36 pm

Angela Rayner (Ashton-under-Lyne) (Lab) (*Urgent Question*): To ask the Chancellor of the Duchy of Lancaster to make a statement on the status of the investigation into Downing Street parties following the statement from the Commissioner of the Metropolitan Police.

The Paymaster General (Michael Ellis): As the House will be aware, earlier today the Metropolitan Police Commissioner confirmed that the Metropolitan Police Service will be investigating alleged breaches of covid-19 regulations within Government. This is a matter for the police, and the House will understand that I am not in a position to comment on the nature or content of the police investigation. I have previously made it clear from the Dispatch Box that the Government recognise, and I recognise, the public anxiety and indignation that it appears as though the people who have been setting the rules may not have been following the rules. I would like to repeat that sentiment today.

That is why the Prime Minister asked for a Cabinet Office investigation to take place. The terms of reference for that investigation, led by the second permanent secretary at the Cabinet Office and the Department for Levelling Up, Housing and Communities, Sue Gray, have been published and laid in the Library of this House. Those terms made it clear that, as with all internal investigations, if during the course of the work any evidence emerges of behaviour that is potentially a criminal offence, the matter will be referred to the police and the Cabinet Office's work may be paused.

As the House would expect, there is ongoing contact between the Cabinet Office investigation and the Metropolitan Police Service. However, the Cabinet Office investigation will continue its work. I would urge the House to wait for the findings of that investigation and for the police to conclude their work. That is important to allow the work to take place unimpeded and to protect the rights of all involved. I must emphasise that matters relating to adherence to the law are properly a matter for the police to investigate, and the Cabinet Office will liaise with them as appropriate.

Finally, I can confirm that the findings of the investigation will be provided to this honourable House and made public. The House will understand that there is a limit to what I can say, given that this is an ongoing investigation. I also cannot comment on what is now an ongoing police investigation, and therefore I ask that Members of the House let the investigation run its course and do not pre-empt its conclusions.

Angela Rayner: Thank you for granting the urgent question, Mr Speaker.

Well, well, well: all too soon, the Paymaster General and I find ourselves here once again—and once again, rather than dealing with the cost of living crisis and its impact on families, we are talking about scandals in Downing Street. [*Interruption.*] Conservative Members can chunter from their positions, but they are allowing this to happen.

For two months, Cabinet Ministers have been working hard to make Sue Gray the most famous woman in Britain. In response to every question asked about the poor conduct, bad behaviour and rule-breaking culture that this Government have overseen, the Ministers have repeatedly told us that Sue Gray is the answer. Now there is a police investigation, and the terms of reference for Sue Gray, set by the Prime Minister himself, are clear:

“if...any evidence emerges of behaviour that is potentially a criminal offence, the matter will be referred to the police”.—[*Official Report*, 9 December 2021; Vol. 705, c. 561.]

So it seems, Mr Speaker, that potential criminality has been found in Downing Street. What a truly damning reflection on our nation's very highest office.

So I ask the Paymaster General these questions. Given this morning's announcement, when will the Sue Gray report finally be published? Can the Paymaster General assure the House that the Sue Gray report will be published in full, not just as a summary, and will the accompanying evidence be provided? Can he clarify for the House what Sue Gray and her team will be doing while the police conduct their investigation? Can he tell the House whether the decision to delay the publication of the Sue Gray report was made by the Metropolitan police or the Government? Given this Government's record on lost phones and missing messages and minutes, can he assure the House that all evidence from the Gray inquiry will be properly held by the Cabinet Office? Can he clarify whether the Chancellor, as a resident of Downing Street, is co-operating fully with the Gray inquiry and the police investigation, and whether he has been interviewed?

Just weeks ago, the Prime Minister told this House, “there was no party”. How does the Paymaster General explain that? I know that across the country, people know enough. They have made up their minds about the Prime Minister. When will his party catch up?

Michael Ellis: I will agree with the right hon. Lady's first point. Her first point was “Why are we not talking about the cost of living?” Well, the Prime Minister is working on the cost of living right now, and he is working on Russia-Ukraine. The Prime is doing those jobs, and he is focused on those areas.

As for the right hon. Lady's second point, I think she forgets that the word “potentially” was used. The reality is that no conclusions can be drawn from the fact that the police are investigating the matter. If the right hon. Lady looks at the statement issued by the Metropolitan Police Commissioner, Cressida Dick, she will see that the commissioner stressed that the fact the Met is investigating does not mean that the result will necessarily be the issuing of fixed penalty notices in every instance and to every person involved; so “potentially” is a key and operative word.

The right hon. Lady wants to jump to conclusions, but she has asked about the details of the investigation, and those are of course matters for the Cabinet Office and for the police. They are not details of which I would be informed. I would not expect to be informed, because the police have independent operational assessment of matters that are before them, and they will conduct the matter as they see fit.

Sir Edward Leigh (Gainsborough) (Con): When Europe stands on the brink of war and there is a cost of living crisis, can we please have a sense of proportion over the Prime Minister's being given a piece of cake in his own office by his own staff?

Michael Ellis: I completely agree.

Brendan O'Hara (Argyll and Bute) (SNP): On Burns Day, it is probably appropriate to start with the line:

"The best laid schemes o' Mice an' Men

Gang aft agley".

Or perhaps it should be a line from that other great Scottish writer, Sir Walter Scott:

"O what a tangled web we weave,

When first we practise to deceive!"

Now that the police are finally involved, I do wonder how much more personal humiliation and indignity the Prime Minister will be prepared to endure. Perhaps more importantly, how much more of this embarrassing circus are his colleagues prepared to tolerate before they act to remove this man from office? This is not going to go away; the wound is not going to heal miraculously by itself. I am sure we all know that there is an awful lot more still to come out.

I ask the Minister: at any time has anyone from the Sue Gray inquiry contacted the Metropolitan police? When did the Cabinet Office first learn about the police investigation? When does he now expect the Sue Gray report to be delivered? Finally, can he assure this House that when it is, it will be delivered in full, will be open and will be completely transparent for every Member of this House to access?

Michael Ellis: The hon. Gentleman asks me questions about the police investigation. I have no knowledge about that—nor would I expect to, nor should I have knowledge about it. He asks about the publication. I have already indicated that the findings of the investigation will be published.

Mr Mark Harper (Forest of Dean) (Con): I accept that the Paymaster General may not be able to answer this question now, but will he assure the House that either he or other Ministers will keep the House posted about whether the Prime Minister will be interviewed by the Metropolitan police—either as a witness or as a potential suspect in this criminal investigation?

Michael Ellis: I thank my right hon. Friend for his question but of course the police will conduct the investigation, as they do in any case, entirely at their own discretion. I would not expect to be informed about that, nor would the House expect me to be.

Maria Eagle (Garston and Halewood) (Lab): There have been newspaper reports of Downing Street staff being told to delete evidence of parties from their phones and staff fearing to give evidence to the Sue Gray inquiry for fear that the PM will see it and that there will later be recriminations. Now that there is a police investigation, will the Paymaster General make it clear throughout Whitehall that all evidence must be given to the police? Will he undertake to publish a report and evidence so that we can all see at the end of this affair that that has been done?

Michael Ellis: If I may say so, I think one can draw a conclusion from the fact that in their liaison with the Metropolitan police, the Cabinet Office has, according to the Metropolitan Police Commissioner, satisfied her that an investigation should take place. That should give comfort, to those who might otherwise doubt the investigation, that it is a proper and due-process investigation.

As in all cases where due process should be followed in the interests of fairness, it would not be appropriate to presuppose any result of a police investigation—or, for that matter, of an independent Cabinet Office investigation. As I have already said, I would expect the findings to be published in due course.

Shailesh Vara (North West Cambridgeshire) (Con): Does my right hon. and learned Friend agree with me that it is a long-standing convention in this House that when there are independent inquiries and investigations, they are allowed to run their course and that prejudgments are not made in this House? Given that that is the case and that it would be advisable for that convention to be carried on, does he also agree that we really need to concentrate on matters that really affect our constituents on a day-to-day basis—cost of living, energy prices and so on—as well as on the fact that 100,000 Russian troops are on the Ukrainian border, which threatens global instability?

Michael Ellis: My hon. Friend makes a powerful point about the pressing international situation, particularly as regards Ukraine and Russia. I know that the Prime Minister is focused on that matter.

I also understand the anxiety and indignation of many who are frustrated by the reports that have been emanating over the course of many weeks about alleged gatherings in the Downing Street area. The reality of the matter is that the Prime Minister is focused, as he has been focused, on delivering for this country as he has succeeded in delivering vaccines and on the manifesto commitments. He will continue that laser focus.

Ed Davey (Kingston and Surbiton) (LD): It is clear that the Government are now in total meltdown. We have story after story about covid laws being broken in No. 10, revelations about hon. Members having constituency funding threatened by Government Whips, and now a Prime Minister and his staff under police investigation. In the midst of a pandemic and a cost of living crisis and with Europe on the brink of war in Ukraine, we cannot go on with this chaotic Government. Does the Minister accept that the Prime Minister's authority is in tatters? Will he advise his boss to do the right thing in the national interest and resign?

Michael Ellis: I thank the right hon. Gentleman for his advice on propriety, but he will forgive me if I decline to follow it.

Theresa Villiers (Chipping Barnet) (Con): Does the Minister agree that anyone taking a view on the Prime Minister must take into account the fact that he has presided over the most successful vaccination programme in the world, which is taking us out of the pandemic ahead of most other countries in the world?

Michael Ellis: My right hon. Friend is right, and we would be in lockdown now were it not for this Prime Minister.

Mr Ben Bradshaw (Exeter) (Lab): Is the Prime Minister not simply compounding his previous terrible mistakes by continuing to deny culpability, leading to an unnecessary and expensive police inquiry, when he could do the decent thing and resign?

Michael Ellis: I am sure that the right hon. Gentleman would expect fairness to apply to all in this country, whether that is to one of his constituents or to one of mine, and I would hope and expect that he would not wish to see unfairness for anyone. What we are doing at the Cabinet Office is co-operating with a police investigation. That will carry on and take its natural course, as police investigations invariably do, in an orderly way, unencumbered by interference from the Executive.

David Morris (Morecambe and Lunesdale) (Con): Would the Paymaster General consider the Metropolitan police, or any other police force, looking into the activities of the Leader of the Opposition with his beer party? As far as I can see there is no difference. What does he say to that?

Michael Ellis: My hon. Friend makes an interesting point, but, of course, police investigations and how they are conducted are operationally independent. I am sure that they will have heard what he said.

Pete Wishart (Perth and North Perthshire) (SNP): Does the Paymaster General not think that it would be a good idea to set up a police special operations unit room in No. 10 Downing Street, because, while the police are looking at this case, they could perhaps look at cash for honours, cash for access, personal protective equipment for pals, paid advocacy, breaking the ministerial code, and all the other general Tory badness?

Michael Ellis: I have to say that a quick Google analysis of the SNP would not be particularly edifying. Despite noises off, this Prime Minister is focused on what matters to the British people and it is right that those matters conclude in an orderly way.

Graham Stuart (Beverley and Holderness) (Con): I welcome the investigation. We can see the absolute terror on the faces of the Opposition. For them, this is partygate, but they know that they are up against a Prime Minister and a Government who have brought youth unemployment to its lowest ever level. This Government, led by the Prime Minister, brought us the AstraZeneca vaccine and ensured that we had the most successful booster programme in the world. That is why there is absolute terror on the Opposition Benches that we should focus on policy in this place and on the priorities of the British people. That is why the Opposition are so desperate to land this even as the inquiry is going on.

Michael Ellis: I agree completely. The Prime Minister also welcomes the announcement by the Met police today, because alongside the Sue Gray inquiry, which he set up, we will offer the public the clarity that they need to help draw a line under these events.

Andy McDonald (Middlesbrough) (Lab): My Middlesbrough constituents have obeyed the rules, done exactly what the Prime Minister demanded of them and abided by the laws that he initiated. Does the Paymaster General not understand that the continued refusal to do the right and decent thing only serves to damage our democracy and tarnish our reputation across the world? That will not be turned around until such time as the Prime Minister goes and brings this shameful business to an end.

Michael Ellis: No, I do not agree with the hon. Gentleman's characterisation.

Mr Richard Bacon (South Norfolk) (Con): Does the Paymaster General agree that compared with being interviewed under caution for flogging peerages, as Tony Blair was, trying to prosecute a former First Minister of Scotland despite being told that there was no evidence or taking money from Chinese spies, eating a piece of birthday cake is a relatively minor offence?

Michael Ellis: My hon. Friend makes his point powerfully and eloquently.

Geraint Davies (Swansea West) (Lab/Co-op): Given that the police investigated and intervened on several parties across London on 20 May, can the Paymaster General explain why they did not intervene when enormous amounts of booze were being trundled into No. 10 with enormous amounts of noise? Does that make him fear some sort of fudging of the investigation? Perhaps another police force should intervene.

Michael Ellis: I am sorry that the hon. Gentleman chooses to criticise the Metropolitan police; I do not think that has the support of the House. I ask him to accept that the position is that the Metropolitan police and the public servants who work in Government work hard, including during a period of major crisis for the country, in the public service. They are devoted to their work and they seek to serve the public in the best way they can. Assumptions ought not to be made of police or civil service impropriety. The matter is subject to investigation and I ask him to accept the default position that persons are innocent unless otherwise proved—that is how it works.

Jacob Young (Redcar) (Con): Last night, NATO announced that it was putting troops on standby in response to the situation in Ukraine. In April, gas prices are forecast to rise by more than 50% when the energy price cap lifts. People in Redcar and Cleveland want to move on from the debacle on parties and focus on the real issues. Will the Paymaster General assure me that the Cabinet Office will publish Sue Gray's report as soon as it can?

Michael Ellis: I completely agree with my hon. Friend's position. I would say that the report of Sue Gray—the findings of that report—will be published as soon as they are available.

Joanna Cherry (Edinburgh South West) (SNP): The right hon. Member for Gainsborough (Sir Edward Leigh) invited us to have a sense of proportion in relation to the matter. I refer him to one of the many emails that I have had from constituents and I ask the Paymaster

[Joanna Cherry]

General what he thinks about it. My constituent said that if he had not followed the covid restrictions, like the Prime Minister:

“I would have driven...to Norfolk to see my mum after she broke her leg and had to stay in a nursing home. I would have taken a trip south to prepare her house...I could have helped cook and clean for her while we found suitable local carers. I would have sung happy birthday to her from the hospital grounds while she recovered from covid she caught from a carer. I could have been closer when she died a few days later, 82 and alone in a ward of strangers.”

What should I say to my constituent? Should I tell him to have a sense of proportion or will the Paymaster General apologise to him and all the other people across the United Kingdom who kept the rules when the Prime Minister and his mates did not?

Michael Ellis: I would invite the hon. and learned Lady to offer her constituent my abject sorrow and condolences for his loss. There is nothing that I can say to bring back that which is lost, but what I can say is that the Prime Minister, in the exercise of his functions over the course of the pandemic, has brought the country out of a dire situation into a situation where we are now leading the world in our arrangements around the pandemic. He will continue to focus on those priorities.

Mr Philip Hollobone (Kettering) (Con): I welcome the Metropolitan police inquiry and express surprise that it was not announced earlier. In the Paymaster General's previous role as Attorney General, he will have been more familiar than most with the covid-19 regulations and the fixed penalty notices that have been issued. Can he confirm that they are summary offences normally investigated within six months and that the burden of proof is beyond reasonable doubt?

Michael Ellis: I am grateful to my hon. Friend for his question. As he can imagine, I would prefer not to get into the legal position. What I would say is that I expect, as everyone would, the police to conduct their investigation expeditiously and at a time that is, no doubt, in accordance with their own procedures and protocols. He is right to raise the fact that there will be tests—evidence and the burden of proof—and it is always right that a person in this country is innocent unless or until they be proven guilty.

Mr Speaker: I am expecting this to run to about 1.15 pm. We can help each other by speeding through.

Debbie Abrahams (Oldham East and Saddleworth) (Lab): What assessment has been undertaken of the damage that partygate has on our economy and inward investment, and on the trust of the British people in this Government?

Michael Ellis: The hon. Member asks what assessment has been made. I invite the House to note that this Prime Minister held a Cabinet meeting the day after his own mother died, was working just weeks after he was released from intensive care in hospital and has led the world on AstraZeneca and vaccine availability. We would still be in a lockdown situation if it were not for him. I invite her to accept those points as those that really focus the mind.

Giles Watling (Clacton) (Con): Given that there are ongoing investigations by Sue Gray and the Metropolitan police at this time, and we await the results, does my right hon. and learned Friend not agree that this urgent question is a vexatious waste of everybody's time?

Mr Speaker: Order. I am sure the hon. Gentleman is not questioning my judgment. I am the person who grants urgent questions. I am sure he would like to withdraw the question; it does not need answering.

Giles Watling: Mr Speaker, at your behest, I withdraw the question.

Alison Thewliss (Glasgow Central) (SNP): One of my constituents, Billie-Jean, got in touch. Billie-Jean was in university accommodation during the pandemic and was fined £100 for having a gathering of 11 people during that time. Billie-Jean says that, while they were being fined and disciplined by the university, the Prime Minister

“was living a lush life of champagne and party nibbles”.

Would the Minister like to apologise to my constituents and everybody else for having done one thing in Downing Street while people in the world outside did quite another?

Michael Ellis: Her constituent, in order to have been fined, would either have had to admit wrongdoing or have been found guilty in a court of law on the evidence before that court. The situation is completely different. No such state of affairs exists as far as No. 10 or the Prime Minister is concerned.

Stuart Anderson (Wolverhampton South West) (Con): I fought in bloody conflicts in Europe. At the moment, we are seeing hundreds of thousands of Russian troops on the Ukrainian border, and could see the bloodiest conflict for generations. We are wasting time here. [Interruption.] Sorry, Mr Speaker. Does my right hon. and learned Friend agree that every time the Opposition call for our Prime Minister to resign, it only strengthens Putin's hand and destabilises negotiations?

Michael Ellis: My hon. Friend is quite right to focus on what matters around the world and to the Prime Minister of this country.

Mick Whitley (Birkenhead) (Lab): Every day, in my constituency of Birkenhead, parents are going hungry so that their children can eat, while elderly people are living in freezing homes because they simply cannot afford to put their heating on. Will the Minister concede that the Government are more interested in their own internal turmoil than in helping those most in need? Will he now join the calls for the Prime Minister to step aside so that we can finally begin to get grips with this Tory cost of living crisis?

Michael Ellis: As I said in this House last time, the Prime Minister is going nowhere.

Martin Docherty-Hughes (West Dunbartonshire) (SNP): Last night, the food critic Jay Rayner, quoting the late, great Julia Child, said

“a party without cake is just a meeting. Johnson's staffers supplied a cake. Ergo, it was a party.”

Does the Paymaster General agree not only with Jay Rayner, but with the late, great Julia Child?

Michael Ellis: If while at work someone eats cake for 10 minutes, I do not think that conclusions can be drawn from that, so the hon. Member is putting the cart before the horse.

Mark Jenkinson (Workington) (Con): Is it not the case that those on the Opposition Benches are in cahoots with the media to undemocratically depose this Prime Minister not because he is an electoral liability for us, but because he is an electoral liability for them?

Michael Ellis: One has to wonder. The Labour party's focus on gatherings two years ago, as alleged, rather than on Ukraine and the Russian troops massing on the border of Europe, is quite extraordinary. What we are doing is focusing on the matters that really make a difference for the people of this country, while the police and the Cabinet Office continue their investigations.

Barry Gardiner (Brent North) (Lab): Given that it has taken six weeks since the *Daily Mirror* first broke the story of parties in Downing Street to have a police inquiry, what consideration have the Government given to appointing Pippa Crerar as the commissioner of the Metropolitan police?

Michael Ellis: Well, I have no reason to be concerned about who the Metropolitan Police Commissioner is.

Lia Nici (Great Grimsby) (Con): Over the last few days, I have been out and about with my constituents in Great Grimsby, and they are sick and tired of listening to this constant thread. They are very happy that essential workers have gathered together for two years to get us through the pandemic. Will my right hon. and learned Friend send a message to the Prime Minister that they support his policies and want him to carry on getting on with the job?

Michael Ellis: I will gladly send the Prime Minister that message. In fact, my hon. Friend's message is very similar to those that the Prime Minister is hearing from colleagues around the House, and that is the focus that matters.

Chi Onwurah (Newcastle upon Tyne Central) (Lab): Does the Minister really think that it is in the interests of our country—our country, not the Prime Minister—that the Prime Minister remains at the helm, giving public health advice to the people of Newcastle and security reassurances to the people of Ukraine, while mired in scandal and facing criminal investigations?

Michael Ellis: I do, passionately. I think that the Prime Minister is the best leader for this country, and he would bring to shame any leader that the Labour party might put forward for this country. The Prime Minister knows what matters and focuses on the matters that are important to the British people. This investigation is also important, but it is being conducted by the Cabinet Office and the Metropolitan police. We recognise the upset that has been caused by these allegations, which are being properly investigated.

Alexander Stafford (Rother Valley) (Con): I know that I myself, colleagues and constituents were shocked by the alleged lockdown rule breaking by none other

than the Leader of the Opposition, the right hon. and learned Member for Holborn and St Pancras (Keir Starmer). Does the Minister agree that there can be no hypocrisy and that all sides need to be investigated—after all, those in glass houses should not throw beer bottles?

Mr Speaker: Order. I am sure that “hypocrisy” was not aimed at an individual Member—surely not. I think that was badly phrased and I will let it go.

Michael Ellis: Nothing in the law forbade people who were legitimately at work from having a 10-minute coffee break in between meetings, and I am sure that people across the country did that, whether they ate cake with it or not. The reality of the matter is that my hon. Friend's point is completely accurate.

Dame Diana Johnson (Kingston upon Hull North) (Lab): The Home Affairs Committee has been looking into the consistency of enforcement of covid regulations, because we are well aware that failure to enforce consistently can erode public trust. The Committee will have an opportunity to question the Metropolitan Police Commissioner soon. However, as the police have primary responsibility for criminal investigations in this country, does the Minister think that it would have been much better to pass this on to the Metropolitan police as soon as these allegations came to light, and that we would now be concluding that Metropolitan police investigation and he would have to stop coming to this House to defend the Prime Minister?

Michael Ellis: I know that the right hon. Lady is a very fair Chair of the Home Affairs Committee, and she will acknowledge that the police have their job to do. It is not a matter for the Government or the Executive to refer matters. That has been done by the Cabinet Office, independently, as part of its investigation. As to the length of the police investigation, we have no idea how long it will be.

Mike Wood (Dudley South) (Con): It is clearly correct that the police should investigate any suspicions of breaches of the law, regardless of who may be involved. Can my right hon. and learned Friend assure this House and the country that Sue Gray is being left to conduct her investigation independently and freely, and that there are no barriers to her passing on to the police any relevant information she may find on any potential rule breaking?

Michael Ellis: Yes, I can confirm that. The fact the Cabinet Office has passed matters to the Metropolitan police is proved by today's news.

Hywel Williams (Arfon) (PC): Will the Minister explain to his less quick-witted colleagues that the claimed good works on covid are no excuse for breaking the law?

Michael Ellis: No one is proved to have done what the hon. Member alleges.

Simon Baynes (Clwyd South) (Con): It is absolutely right for there to be a full investigation into these matters, just as it was right for the police to investigate the cash for honours scandal under the Blair Government. Can my right hon. and learned Friend assure me that

[Simon Baynes]

the police will, of course, be given full co-operation on these matters, just as the Cabinet Office investigation has been?

Michael Ellis: I can assure my hon. Friend that full co-operation will be accorded to the police as and if they ask for it.

Angus Brendan MacNeil (Na h-Eileanan an Iar) (SNP): It is quite clear that, even after this, the Prime Minister does not want to leave No. 10 Downing Street, but do we not face the possibility that the UK's PM might eventually be leaving No. 10 Downing Street in police handcuffs?

Michael Ellis: No.

Justin Madders (Ellesmere Port and Neston) (Lab): On 8 December the Prime Minister told this House "there was no party". Paragraph 1.3 of the "Ministerial Code" says that anyone who knowingly misleads the House will be expected to resign, so why is the Prime Minister still in his job?

Michael Ellis: If a group of people take cake for 10 minutes while at work, everyone is permitted a reasonable break as part of their working day. That is one possible interpretation. Ten minutes of eating cake and wishing someone a happy birthday would not a party make, but it is a matter for police investigation, and that is what is now happening.

Jim Shannon (Strangford) (DUP): I thank the Paymaster General for his responses to these questions. It seems like there are new reports of suspected lockdown breaches each day now. I am pleased, however, that the Metropolitan police's investigation is under way. Will he confirm that any and all findings from these investigations will be disclosed to the media for public reassurance, that this will be the case for all reports of potential breaches that may yet come before Sue Gray's investigation is concluded and that justice will be done?

Michael Ellis: I assure the hon. Gentleman that the findings of Sue Gray's report will be put before this House.

Alex Davies-Jones (Pontypridd) (Lab): Once again, the Paymaster General has been forced to come to the Dispatch Box to defend the indefensible, and no one is buying it. Honesty, transparency and leadership should be at the heart of this country's Government, but they are severely lacking. Will the Prime Minister now come to this House to set the record straight and tell us exactly what gatherings and parties he attended at Downing Street? Or better yet, will he just resign?

Michael Ellis: I know the hon. Lady wishes to make a political point, and it is kind of her to focus on my comfort, but I am not forced to do anything. I am here because I know the Prime Minister is entitled to the same justice as anyone else. It is unedifying to see the Opposition making party political points over this matter. The focus of this Government is on the primary concerns of the cost of living, employment, the economy and the situation in Ukraine and Russia, while the police and the Cabinet Office conclude their investigations.

Barbara Keeley (Worsley and Eccles South) (Lab): The police were asked to enforce covid rules across the country and faced difficult challenges in doing so to keep us all safe, issuing tens of thousands of fines to people who broke the rules—even those gathering for birthdays. Does the Minister believe that the Prime Minister is above the law? My constituents are asking why these events took place, disregarding the rules. I say to Conservative Members who have attacked this business that these matters do concern our constituents—they do.

Michael Ellis: No one is above the law in this country.

Drew Hendry (Inverness, Nairn, Badenoch and Strathspey) (SNP): The Paymaster General does not want to speak about the specifics of the investigation. So, for all the dodgy coronavirus contracts, the cash for honours for the Tories, the stated intention to break international law, illegally proroguing Parliament and the many other crimes and misdemeanours of this Government, does he find it a tad ironic that it is the parties in which they demonstrated their contempt for the public that finally prompted the police to investigate?

Michael Ellis: If there is anything ironic, it is the Scottish National party.

Andrew Gwynne (Denton and Reddish) (Lab): I remind the Minister that it started with a joke about a fictional party during a dummy press conference. Then there was the faux outrage from the Prime Minister, who was angry about that joke. All the while, there were parties—lots of them—and he was at some of them. There is a mountain of evidence of truth twisting, rule bending and lawbreaking, and it lands at the feet of the man at the top. Why is the Minister still defending the indefensible?

Michael Ellis: I see that the hon. Gentleman wishes to be judge, jury and executioner, but no one in this House would give him that position. What matters is justice—justice for all—and that will apply in this case as it does in any other.

Ukraine

1.16 pm

The Prime Minister (Boris Johnson): A few weeks ago, I commissioned an independent inquiry into a series of events in Downing Street and the Cabinet Office as well as some other Whitehall Departments that may have constituted potential breaches of the covid regulations. That process has, quite properly, involved sharing information continuously with the Metropolitan police, so I welcome the Met's decision to conduct its own investigation because I believe that will help to give the public the clarity they need and help to draw a line under matters. But I reassure the House and the country that I and the whole Government are focused 100% on dealing with the people's priorities, including the UK's leading role in protecting freedom around the world.

With permission, Mr Speaker, I will make a statement about the United Kingdom's response to the situation in Ukraine. This winter, we have witnessed a spectacle that we hoped had been banished from our continent: a large and powerful country massing troops and tanks on the border of a neighbour with the obvious threat of invading. Russia has, of course, already attacked Ukraine, illegally annexing 10,000 square miles of her territory in 2014 and igniting a war in the Donbas region. Ukraine has scarcely known a day of peace ever since. Now, Ukraine faces the danger of a renewed invasion and, this time, the force arrayed on Ukraine's frontier comprises over 100,000 troops—far bigger than anything that Russia has deployed against her before. If the worst happens and the destructive firepower of the Russian army were to engulf Ukraine's towns and cities, I shudder to contemplate the tragedy that would ensue.

Ukrainians have every moral and legal right to defend their country, and I believe that their resistance would be dogged and tenacious and the bloodshed comparable to the first war in Chechnya, or Bosnia, or any other conflict that Europe has endured since 1945. No one would gain from such a catastrophe. Russia would create a wasteland in a country that, as she continuously reminds us, is composed of fellow Slavs, and Russia would never be able to call it peace.

For months, Britain has worked in lockstep with the United States and our allies across Europe to avoid such a disaster. We have sought to combine dialogue with deterrence, emphasising how a united western alliance would exact a forbidding price for any Russian incursion into Ukraine, including by imposing heavy economic sanctions. At the same time we stand ready, as we always have, to address any legitimate Russian concerns through honest diplomacy.

On 13 December, I spoke to President Putin, and I stressed that NATO had no thought of encircling or otherwise threatening his country, and that Russia enjoyed as much right as any other state to live in peace and security. But, as I said to him, Ukraine also enjoys an equal and symmetrical right to that of Russia, and I said that any attack on his neighbour would be followed by tougher sanctions against Russia, further steps to help Ukraine defend herself and an increased NATO presence to protect our allies on NATO's eastern flank. The truth is that Russia's goal is to keep NATO forces away from her borders, and if that is Russia's goal, then invading Ukraine could scarcely be more counterproductive.

My right hon. Friends the Foreign and Defence Secretaries have both conveyed the same message to President Putin, and I am of course prepared and ready to speak to him again. Meanwhile, the American deputy Secretary of State met her Russian counterpart in Geneva on 10 January, and the NATO-Russia Council gathered two days later, as the House knows. The American Secretary of State, Antony Blinken, met the Russian Foreign Minister last Friday, and the US Administration have confirmed President Biden's willingness to have another meeting with President Putin, continuing the bilateral dialogue they began last year.

But credible deterrence is the other side of the coin. Last night, I held a virtual meeting with President Biden, President Macron, Chancellor Scholz, President Duda, Prime Minister Draghi, Secretary-General Stoltenberg, President Michel and President von der Leyen. We agreed that we would respond in unison to any Russian attack on Ukraine—in unison—by imposing co-ordinated and severe economic sanctions heavier than anything we have done before against Russia, and we agreed on the necessity of finalising these measures as swiftly as possible in order to maximise their deterrent effect.

We in the UK will not hesitate to toughen our national sanctions against Russia in response to whatever President Putin may do, and the House will soon hear more on this from my right hon. Friend the Foreign Secretary. We have already declassified compelling intelligence exposing Russian intent to install a puppet regime in Ukraine, and we will continue to disclose any Russian use of cyber-attacks, false flag operations or disinformation.

Amid all these pressures, Ukraine asks for nothing except to be allowed to live in peace and to seek her own alliances, as every sovereign country has a right to do. Last week, the UK acted to strengthen Ukraine's ability to defend her soil by supplying anti-armour missiles and deploying a small training team of British personnel, in addition to the work of Operation Orbital, which, as the House will know, has trained 21,000 Ukrainian troops since 2015. Yesterday, we took the responsible precaution of temporarily withdrawing some staff and dependants from the British embassy in Kyiv, though I emphasise that the embassy remains open and will continue to provide consular assistance for British nationals in Ukraine, and I am particularly grateful for the dedication of our ambassador in Kyiv, Melinda Simmons.

I commend our NATO allies for the steps they have taken and are taking to protect the eastern flank of the alliance. Denmark is sending a frigate to the Baltic and deploying four F-16s to Lithuania to join NATO's long-standing air policing mission; France has expressed its readiness to send troops to Romania under NATO command; and the United States has raised the alert level of 8,500 combat troops, preparing to deploy them in Europe at short notice. The British Army leads the NATO battlegroup in Estonia, and if Russia invades Ukraine we would look to contribute to any new NATO deployments to protect our allies in Europe.

In every contact with Russia, the UK and our allies have stressed our unity and our adherence to vital points of principle. We cannot bargain away the vision of a Europe whole and free that emerged in those amazing years from 1989 to 1991, healing the division of our continent by the iron curtain. We will not reopen that divide by agreeing to overturn the European security

[*The Prime Minister*]

order because Russia has placed a gun to Ukraine's head, nor can we accept the doctrine implicit in Russian proposals that all states are sovereign but some are more sovereign than others.

The draft treaty published by Russia in December would divide our continent once again between free nations and countries whose foreign and defence policies are explicitly constrained by the Kremlin in ways that Russia would never accept for herself. More than half of Europe, including a dozen or more members of NATO and of the European Union, would be only partially sovereign and required to seek the Kremlin's approval before inviting any military personnel from NATO countries on to their soil. The Czech Republic—at the very heart of Europe, hundreds of miles from Russia—would have to ask the Kremlin for permission if she wanted to invite a company of German infantry to join an exercise or even to help with flood defences.

There is nothing new about large and powerful nations using the threat of brute force to terrify reasonable people into giving way to otherwise completely unacceptable demands, but if President Putin were to choose the path of bloodshed and destruction, he must realise that it would be both tragic and futile. Nor should we allow him to believe that he could easily take some smaller portion of Ukraine to salami-slice, because the resistance will be ferocious.

Anyone who has been to Kyiv, as I have, and has stood by the wall of remembrance and studied the portraits of nearly 4,500 Ukrainians who have died in defence of their country since 2014—the total death toll stands in excess of 14,000—will know that the Ukrainians are determined to fight and have become steadily more skilled at guerrilla warfare. If Russia pursues this path, many Russian mothers' sons will not be coming home. The response in the international community would be the same and the pain that will be inflicted on the Russian economy will be the same.

When I spoke to President Putin, I reminded him that at crucial moments in history, Britain and Russia have stood together. The only reason why both our countries are permanent members of the UN Security Council is the heroism of Soviet soldiers in the struggle against fascism, side by side with ourselves. I believe that all Russia's fears could yet be allayed and we could find a path to mutual security through patient and principled diplomacy, provided that President Putin avoids the trap of starting a terrible war—a war that I believe would earn and deserve the condemnation of history. I commend this statement to the House.

1.28 pm

Keir Starmer (Holborn and St Pancras) (Lab): I thank the Prime Minister for advance sight of his statement and am grateful to the Defence Secretary for keeping the Opposition informed of developments throughout the crisis.

When the Soviet Union collapsed, Britain, Russia and the United States made a solemn agreement with Ukraine: in exchange for its giving up nuclear powers and weapons, Ukraine's security was to be guaranteed and its independence respected. Ukraine has kept its end of the deal; President Putin has not. His Russia has

annexed Crimea, has supported separatist conflict in Donbas and has now amassed more than 100,000 troops on Ukraine's borders.

These are repeated and unjustifiable acts of aggression, so Labour stands resolute in our support of Ukraine's sovereignty, independence and territorial integrity. That was made clear when our shadow Foreign Secretary, my right hon. Friend the Member for Tottenham (Mr Lammy), and our shadow Defence Secretary, my right hon. Friend the Member for Wentworth and Dearne (John Healey), visited Kyiv a fortnight ago, and I made it clear to the Ukrainian ambassador when I met him last week.

This is not just a local dispute on the other side of the continent. It is an attempt by President Putin to turn back the clock, to re-establish Russian force as a means of dominance over parts of eastern Europe, and it is a direct threat to the anti-imperialist principle that sovereign nations are free to choose their own allies and their own way of life.

That is why it is crucial that we in this House are united in opposing Russian aggression. Let me be clear: the Labour party supports the steps that the Government have taken to bolster Ukraine's ability to defend itself. We support international efforts to deter Russia from further aggression and the vital diplomatic efforts to de-escalate the situation.

Will the Prime Minister assure the House that the UK and our partners will be resolute in our defence of Ukraine's sovereignty and the security of our NATO allies? For too long, the implicit message to Moscow has been that President Putin can do what he likes and the west will do little to respond. We must now change course and show Russia that any further aggression will result in severe, real-world consequences. For Britain and our allies, that will mean taking tough decisions. It will not be easy.

Widespread and hard-hitting sanctions must include cutting Russia's access to the international financial system. Europe's overreliance on Russian energy supplies is well documented and simply must be addressed. In Britain, we have failed to rid our economic and political systems of the ill-gotten money used to support the Putin regime. If we take our obligations to global security seriously, we cannot go on allowing ourselves to be the world's laundromat for illicit finance.

Labour has a four-point plan. [*Interruption.*] Really? First, we must reform Companies House to crack down on shell companies. Secondly, we must have a register of overseas entities to lift the veil on who owns property and assets in the UK. Thirdly, we need tougher regulation of political donations. Finally, we should implement the recommendations of the cross-party Russia report to bolster national security. Will the Prime Minister support those measures to rid the UK of the loot of the corrupt Russian elite? We cannot stand up to Russian aggression abroad while facilitating Russian corruption at home.

After the chemical attacks in Salisbury, after the annexation of Crimea and now the threat of invasion in Ukraine, it is time to send a simple, clear and united message. We support Ukraine's sovereign right to choose her own destiny. We will stand with the Ukrainian people in the face of President Putin's threats. His aggression will come at a high price for himself and his regime.

The Prime Minister: I thank the right hon. and learned Gentleman and I am glad that he supports the sovereignty and territorial integrity of Ukraine. He is right to ask about the assurances that this country has given to Ukraine. I have repeatedly told Volodymyr Zelensky, as I told his predecessor, Petro Poroshenko, many times, that we stand four-square behind the independence and sovereignty of Ukraine and we always will. We have a hard-hitting package of sanctions ready to go. It would be fair to say that we want to see our European friends ready to deploy that package as soon as there were any incursion at all by Russia into Ukraine.

The right hon. and learned Gentleman asks what we are doing to track down Russian money in this country and in the City. As he knows, we are bringing forward measures for a register of beneficial interests. I do not think that any country in the world has taken tougher action against the Putin regime. It is this Government who brought in Magnitsky sanctions against all those involved in the poisoning of Alexei Navalny. It is this Government who got the world together—got 28 countries together—to protest against the poisoning in Salisbury. The world responded to that British lead by collectively expelling 153 diplomats around the world.

I am grateful for the general tenor of the right hon. and learned Gentleman's comments and his support for NATO—belated though it may be from the Opposition Benches. I am grateful for it now. What I can tell him is that that same leadership in assembling a response to Russian aggression is being shown by the UK now, and it is absolutely vital that the west is united now, because our unity now will be much more effective in deterring any Russian aggression. That is what this Government will be pursuing in the days ahead.

Mr Tobias Ellwood (Bournemouth East) (Con): As the Prime Minister articulates, the west is now regrouping, but the penny is also dropping: the threat of sanctions will not deter the Russian aggression, and a total or even partial invasion will have severe economic and security consequences felt right across Europe and beyond. Ukraine's grain exports to Africa will be affected, global gas prices will be impacted and skyrocket, and where might an emboldened Russia turn to next? I ask the Government to liaise with the United States and consider a simpler and more effective option to deter this invasion by belatedly answering Ukraine's call for help. It is not too late to mobilise a sizeable NATO presence in Ukraine, utilising the superior hard power that the alliance possesses to make Putin think twice about invading another European democracy.

The Prime Minister: I thank my right hon. Friend very much and I know that, emotionally, many people will share his view. He knows a great deal about Ukraine and the issues that that country faces. Of course, instinctively, many people would yearn to send active physical support in the form of NATO troops to Ukraine. I have to tell him that I do not believe that to be a likely prospect in the near term. Ukraine is not a member of NATO, but what we can do—and what we are doing—is send troops to support Ukraine. I have mentioned the training operations that we are conducting under Operation Orbital, as we have for the past six or seven years, training 21,000 Ukrainian troops. Of course we are now sending defensive weaponry, which I think is entirely appropriate. We have sent 2,000 anti-tank weapons to

the Ukrainians and we join the Americans in that effort; as my right hon. Friend knows, the Americans have sent about \$650 million-worth of military assistance to Ukraine. That is the vital thing to do to stiffen Ukrainian resistance, but the real deterrent right now is that package of economic sanctions. That is what will bite; that is what will hurt Putin; and that, I hope, is what will deter him.

Ian Blackford (Ross, Skye and Lochaber) (SNP): I thank the Prime Minister for advance sight of his statement and join the Leader of the Opposition, the right hon. and learned Member for Holborn and St Pancras (Keir Starmer), in congratulating the Defence Secretary on making sure throughout that we have been kept informed of developments; it is most appreciated. It is important that all of us in this House stand together in solidarity with our friends in Ukraine in defence of their sovereignty.

We on the Scottish National party Benches share the deep concern over the escalation of tension, the prospect of military aggression and the threat to Ukraine's sovereignty. Russia's actions in recent weeks and months of amassing troops, tanks and heavy military equipment near the border of Ukraine are unacceptable. We continue to support, above all, measures to resolve the crisis through diplomacy, so will the Prime Minister provide reassurance that work to deliver a peaceful and diplomatic outcome remains this Government's main priority? The threat of bloodshed on European soil is what is at stake.

We stand with the people of Ukraine and understand the fears and concerns of Ukrainians across these islands, many of whom live in the UK but have family in Ukraine. The bedrock of NATO as a defensive alliance remains the solidarity between its member states, and it is clear that we need that united alliance. It is becoming increasingly apparent that, should an incursion occur, what will be required is a tougher package of sanctions that are robust and have real, measurable impact.

We on the SNP Benches have called for co-ordinated economic sanctions against the Putin regime and the banning of Russia from the SWIFT—the Society for Worldwide Interbank Financial Telecommunication—banking system. Can that be confirmed as on the table today? The measures must also include tougher action on Russian money laundering and include action by the Treasury to tackle the ongoing and improper use of Scottish limited partnerships, which have been used to funnel millions of pounds in dirty money. Without that, our credibility will lessen.

The Prime Minister raised the issue of Magnitsky, and let me say to him that it was cross-party support that led to these sanctions. He may well remember the meeting I had with him when he was Foreign Secretary to make sure that we worked collectively to deal with those threats. Will he also commit to introducing a transparent system of company registration and proper reform of Companies House?

Meanwhile, we all stand solidly with the people of Ukraine and urge the Government to continue efforts for diplomacy, as long as that is possible.

The Prime Minister: Again, I thank the right hon. Gentleman and echo many of his sentiments. He is completely right to say that we should pursue every possible diplomatic avenue, in every appropriate forum; whether it is the NATO-Russia Council, the UN, the

[*The Prime Minister*]

OSCE, the G7 or the Normandy Format, we must follow every avenue. He is right to press on what we are doing to track “dirty Russian money”, for want of a better expression. That is why we have the unexplained wealth orders and why we are bringing in measures to have a register of beneficial interests.

The right hon. Gentleman asks about SWIFT and financial transactions across the world, and there is no doubt that that would be a very potent weapon. I am afraid it can only really be deployed with the assistance of the United States—though we are in discussions about that.

The House needs to understand that one of the big issues we all face in dealing with Ukraine and with Russia is the heavy dependence, of our European friends in particular, on Russian gas. It was clear in the conversations last night that in this era of high gas prices we are bumping up against that reality. The job of our diplomacy now is to persuade and encourage our friends to go as far as they can to sort this out and to come up with a tough package of economic sanctions, because that is what the situation requires.

Tom Tugendhat (Tonbridge and Malling) (Con): My right hon. Friend will recall that when he was Foreign Secretary the Foreign Affairs Committee published a report entitled “Moscow’s Gold”, which was about dirty Russian money flowing through our system and the call for us to have various registers not only of ownership but of foreign agents operating within our system. We have had a reminder only a week ago of why that is so important. Will he tell me what he is doing to work with partners across Europe to make sure that we stand together and do not just act as a voice outside the Kremlin, but make sure that Putin’s acolytes, who have profited from his kleptocratic regime, act as voices inside the Kremlin telling him what he is risking? The impressive work that the Defence Secretary has done in helping to support our Ukrainian friends could be undermined if the Kremlin does not listen to the very real danger it faces today.

The Prime Minister: It is absolutely right that the best way to get attention in the Kremlin and in Moscow generally is to have sanctions that are directed at the individual—like Magnitsky sanctions, for instance; that is what we will be coming forward with—as well as sanctions directed at companies that are of crucial strategic Russian interest.

Chris Bryant (Rhondda) (Lab): In Kyiv and in Kramatorsk last week, we met politicians and community leaders who will not only be worrying for the future of their country, but be fearful for their own lives. I have been saying for a very long time that the arguments that President Putin uses about Russian speakers in Ukraine are exactly the same as Adolf Hitler advanced over the Sudeten Germans in Czechoslovakia in the 1930s. I agree with the Chair of the Foreign Affairs Committee, the hon. Member for Tonbridge and Malling (Tom Tugendhat), that we need to see full implementation of the “Moscow’s Gold” report. I am sure there will be other sanctions coming—I do not quite understand why we have sanctioned only 25% of the people the

American Government have already sanctioned. This House will stand ready alongside the Prime Minister if he needs, for instance, to introduce further legislation to seize Russian assets in the UK and to make sure that the unexplained wealth orders, which have worked in only three cases in the past four years, actually have an effect. We stand ready to stand by the Ukrainian people.

The Prime Minister: I thank the hon. Gentleman very much, and I think he is completely right in his analysis of Russian, and certainly Putin’s, intentions towards Ukraine. I am sure he has read the 5,000-word essay by Vladimir Putin about Ukraine and the origins of Russia. It is clear what the psychological and emotional wellsprings of his thinking are.

I am grateful for what the hon. Gentleman says on sanctions. As he knows, we are bringing forward a statutory instrument greatly to toughen up our ability to sanction people, and I hope he will support it.

Dr Julian Lewis (New Forest East) (Con): President Putin has not even waited for the gas to start flowing through the Nord Stream 2 pipeline before exploiting the stranglehold that he has been building on the German economy. My right hon. Friend has already indicated that it may be difficult for Germany to impose severe sanctions against Russia if this invasion goes ahead, so does he not agree that it is vital from our security point of view that anyone with strong Russian or communist Chinese links should be kept well away from our own critical national infrastructure?

The Prime Minister: My right hon. Friend is completely right. That is why we brought in measures to protect our national security and our critical national infrastructure, and to ensure that we are able to stop investment that we think would be detrimental to our national security. I am afraid that he is also right about the German dependence on Russian gas. We have to be respectful of this, but the simple fact is that about 3% the UK’s gas supplies come from Russia, whereas about 36% of German energy needs come from Russian gas. Germany is in a very different position from us, and its sacrifice is potentially very large. We must hope that in the interest of peace it is willing to make that sacrifice.

Ed Davey (Kingston and Surbiton) (LD): I thank the Prime Minister for his statement. It is right that we stand united across the House to support Ukraine and to stand against Russian aggression, which we should remember has already resulted in over 13,000 casualties in the last few years. The Prime Minister has rightly talked about gas being an issue, particularly in Germany but also across central and eastern Europe. It could also impact this country, with the threat of increased gas prices at a time when families are already facing rocketing heating bills. Could I ask him to take further action on energy, as I did during the Russian invasion of Crimea? Alongside all the measures he rightly proposed in his statement, will he convene a summit of the G7 Energy Ministers, as we had back in 2014, to look at how we can improve short-term and medium-term energy security, protect consumers in this country and elsewhere against rocketing gas prices and give ourselves a much stronger hand in the face of Putin’s aggression?

The Prime Minister: I thank the right hon. Gentleman. By the way, I think that much of the work he did on renewables when he was in office was prescient and valuable for this country, and it has put us in a stronger position to resist the Russian gas blackmail. As I told the House just now, only 3% of our gas supplies come from Russia, but he is right about the spike in prices, which is why we are working together with President Biden and other colleagues to see what we can do to increase the supply of gas both to Europe and of course to this country.

Karl McCartney (Lincoln) (Con): If Russia invades Ukraine, does my right hon. Friend see the potential, as I do, for it to lead to a flood of refugees crossing from Ukraine into the EU? Poland, Romania and Slovakia could see massive flows of displaced people. Indeed, it could be part of Putin's thinking that the EU could be so distracted and full of infighting over refugees that it could not respond militarily. What does my right hon. Friend think the response from Brussels would be? Maybe the Poles should have a bus station at the border crossing ready to take people to Germany and France, especially as it is Berlin and Paris that have watered down any NATO response thus far. If this massive flow of refugees happens, it may well be the end of the EU.

The Prime Minister: My hon. Friend is making a valuable point, because we have seen only recently how refugees from Belarus have been used as tools of political warfare. We have to be conscious of the potential for the Kremlin to trigger exactly the kind of refugee crisis he describes.

Mr Kevan Jones (North Durham) (Lab): I thank the Prime Minister for his statement, and agree with him that should Putin invade Ukraine, tough sanctions will be necessary. However, the Putin regime exists because it floats on, and relies on, an ocean of illegal and illicit finance, much of which flows through the City of London. The Prime Minister has just said that the UK has the strongest laws against illicit money; I am sorry, but that is just not true. He should look at what our allies in the United States are doing. It is now time to attack what is happening, because that is the way to cripple this regime. Can the Prime Minister tell me when he will implement the recommendations of the Russia report? As my hon. Friend the Member for Rhondda (Chris Bryant) has said, if that requires us to pass emergency legislation, let us do it.

The Prime Minister: Let me repeat what I said earlier. The right hon. Gentleman is right to suggest that it is vital to guard against Russian dirty moneys flowing through the world, and he is right in his analysis of the way the kleptocracy works. That is why we have the unexplained wealth orders, why we are introducing a register of beneficial interests, and why we have a new corporate offence of failure to prevent tax evasion. We will and we do come down very hard on all those who are exploiting the City of London, or anywhere else, to wash dirty money.

Mark Pritchard (The Wrekin) (Con): I welcome the Prime Minister's strong underlining of Ukraine's sovereignty and territorial integrity. Back in November, there was no unanimity across Europe, and increasingly even across the Atlantic, on the issue of Ukraine. That has

changed over the last few months through the good offices of the Prime Minister, the Defence Secretary and the Foreign Secretary.

The Prime Minister mentioned his conversation last night with Chancellor Olaf Scholz. The Germans are a critical part of all this, in respect of both diplomacy and defence. They are a key international partner and ally. We can do it with the Americans and we can do it with others, but it will be far more effective if we do it with the Germans.

The Prime Minister: My right hon. Friend is completely right. I want to say a word or two in praise of Olaf Scholz, because it was clear from our conversation last night—as I have said to the House—how difficult this is for Germany. No one should be in any doubt about that. However, it was also clear that the new German Chancellor is determined to stand with the rest of the west to maintain a united front. Among other things, Germany has made it plain that Nord Stream 2 cannot go ahead—Germany cannot take part in it—if there is a Russian invasion of Ukraine.

Mr Ben Bradshaw (Exeter) (Lab): The Prime Minister is right to say that western unity is key. Can he therefore explain why the UK began withdrawing some of our diplomats from Kyiv this week, unlike most of the rest of NATO?

The Prime Minister: We are actually in lockstep with the United States, and, as the right hon. Gentleman knows, we have kept at least 30 of our diplomats in Kyiv, including Melinda Simmons, our outstanding ambassador. The UK presence continues to be very strong there, but those are sensible precautionary steps.

Sir Iain Duncan Smith (Chingford and Woodford Green) (Con): I congratulate my right hon. Friend, the Foreign Secretary and the Defence Secretary on forming a very robust leadership with NATO and our European allies, and with the United States. Does my right hon. Friend agree, however, that right now we are facing an even wider threat? It is Ukraine today, but the powers of dictatorship have watched as we did nothing about Georgia, Crimea and South Ossetia, and they have been encouraged. Even now China is looking at Taiwan, watching to see what our reaction will be. Does my right hon. Friend not agree that we have to get our allies to recognise that we must never put ourselves in the position, when it comes to energy, of being dependent on these terrible regimes for our future? We need to get security into our energy now.

The Prime Minister: My right hon. Friend is completely right in what he says about the need for us to guarantee the independence of our energy—that is why it is so vital that we are building our wind power and other renewables so fast—but he is also right in his analysis of what is happening. What Putin basically wants is to go back to the Yalta system of spheres of influence. It is not just Ukraine that he has his eye on. Therefore, this moment now matters for the whole geometry and security architecture of Europe, and we must stand firm.

Madam Deputy Speaker (Dame Rosie Winterton): Short, concise questions please, because I will be finishing this statement at 20 past 2.

Hilary Benn (Leeds Central) (Lab): The military reality is that President Putin knows that if he invades he will not be facing NATO troops, and therefore the sanctions that we put in place have to be the strongest possible. Is the Prime Minister not concerned, given the answer he just gave about the Nord Stream 2 pipeline and the fact that discussions are still continuing about exclusion from the SWIFT system, that we are not demonstrating determined, united resolve at the very moment when we need the credible threat of strong sanctions to try and deter President Putin from invading Ukraine?

The Prime Minister: I thank the right hon. Gentleman for his very important point. I think actually we are making a huge amount of progress. I want to thank my right hon. Friends the Foreign Secretary and the Defence Secretary for the work that they are doing, because I think we are bringing together the west on a very tough package, and that is what we need.

Bob Stewart (Beckenham) (Con): I remind the House that we do actually guarantee the sovereignty of Ukraine, having signed the Budapest memorandum in 1994, along with the United States and Russia, and I think later France, and even China. Does my right hon. Friend agree that if we really economically and financially strangle Russia with sanctions, Russia could well become bankrupt, and that alone might be something to cause Mr Putin to blink before he gives agreement to using military power and turning it into military force?

The Prime Minister: My right hon. Friend is completely right that we have the potential—the potential—to do very serious economic damage to Russia. What we have to make sure of, as everybody said on the call last night, is that we do not inflict damage on the western economies just as people are suffering in particular from high gas prices. That is what we have got to do. Do not forget, it is quite right to say that 41% of Russia's GDP comes from oil and gas.

Alison Thewliss (Glasgow Central) (SNP): The truth about unexplained wealth orders is that only a handful of them have been issued, and that the Registration of Overseas Entities Bill has now been waiting for four years for action. So when the Finance (No. 2) Bill returns to this House, will the Government bring forward measures to tighten up on the flow of dirty Russian money in the UK—or is the truth really that he is perfectly content with that because so much of it appears to end up in Tory party coffers?

The Prime Minister: No, we do not accept foreign donations, as the hon. Lady knows very well. What we will do is bring forward targeted sanctions, which I think are the most effective way of doing it, targeting the sanctions at the personalities that surround President Putin and making them understand the price that they will pay.

Dr Andrew Murrison (South West Wiltshire) (Con): There is no public appetite for using UK combat troops in Ukraine—absolutely none—but we do have other tools in our toolbox. Is the Prime Minister contemplating using the full-spectrum approach to cyber, including offensive cyber, that he talked about in March in connection with the integrated review?

The Prime Minister: Yes. The National Cyber Security Centre is indeed offering help to Ukraine for precisely that purpose. Russian cyber-attacks, as the House knows, can be extremely damaging and we can do a lot to help.

Stephen Kinnock (Aberavon) (Lab): The Government's position is that sanctions will be deployed against Russia if there is an incursion, but would the Government consider deploying some sanctions now, as a clear signal to Russia, and saying that if President Putin stands down his troops and withdraws his forces, further sanctions will not be deployed? Would that not be a more effective sequencing of the process?

The Prime Minister: I thank the hon. Gentleman for his thoughtful argument. As I have said, we already have Magnitsky sanctions in place on the Russian regime, sanctions in response to the seizure of Crimea and Sevastopol already in place—a wide variety of sanctions. I think what we need to do, if I may say so, is build up an instant, automatic package of western sanctions that will come in automatically in the event of a single toecap of a Russian incursion into more of Ukraine.

Jackie Doyle-Price (Thurrock) (Con): I welcome the robust sentiment behind my right hon. Friend's statement. It is important that the unity that exists across this House is expressed in opposition to Putin if we are to make that a reality. My right hon. Friend mentioned Bosnia in his opening remarks, and he will be aware of the sabre rattling in Republika Srpska, encouraged by Russia. He will also be aware that there is still occupied territory in Moldova. Can he reassure me that these areas are also under discussion with the allies?

The Prime Minister: My hon. Friend makes an excellent point. The crisis around Ukraine will be replayed across the whole map of eastern Europe if we fail now, and if we do not stand up to Putin. She is entirely right in what she says about the Balkans.

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): It is not just Ukraine; we have military forces in Estonia, which is a member of NATO and a true friend of the UK. The Prime Minister said that if Russia invades Ukraine, we will bolster up our NATO allies. Should we not have more forces in Estonia now?

The Prime Minister: The hon. Gentleman makes a very good point. I have been to see the 850 troops in Tapa, as I am sure he has. They do a fantastic job in Estonia. We are looking potentially to increase our presence in the NATO south-eastern flank as well.

Sir Bernard Jenkin (Harwich and North Essex) (Con): I thank my right hon. Friend for his statement, which puts the United Kingdom at the forefront of the response to President Putin's monstrous military intimidation. Will my right hon. Friend personally pledge himself to the defence of the new democracies of eastern Europe, who suffered under the Soviet yoke for so long and still want to be free? Will he acknowledge that this change must happen anyway, whether or not the invasion takes place? We must make sure that we are prepared in a new cold war against this kind of intimidation until the Russian regime is removed.

The Prime Minister: I thank my hon. Friend, and I know that he speaks for many friends and many good allies in eastern Europe. In Poland, in the Czech Republic and in the Baltic states there are people who would precisely echo his sentiments, and that is why we have to stand strong and united today for Ukraine.

Neil Coyle (Bermondsey and Old Southwark) (Lab): The Prime Minister describes Ukraine and Russia as equal parties, and we know he likes a party. He also said that

“Ukraine has scarcely known a day of peace”

since the 2014 Russian invasion and illegal annexation. Indeed, in December there were 128 shellings of Ukrainians in Donetsk, and three Ukrainian soldiers have been murdered by Russian-backed forces since January. The question is why the Prime Minister has not acted sooner, and why is he even now saying we must wait for full-scale invasion before further sanctions—including on access to SWIFT—and the “Moscow’s Gold” report recommendations are implemented? Why wait?

The Prime Minister: I am afraid the hon. Gentleman must have missed what I already said. We already have a very wide package of sanctions in place since the Russian incursion of 2014. We have personal sanctions and other sanctions for what the Russians did in Crimea and Sevastopol. What we are going to do now is to ratchet those sanctions up very considerably. I am afraid he is not right in what he says about abandoning Ukraine since 2014. With Operation Orbital, the UK has been out there in the front, helping to train 21,000 Ukrainian troops since 2015.

James Sunderland (Bracknell) (Con): The Prime Minister will know that Ukraine is not a full member of NATO, but may I ask him to comment on the feasibility of direct military action by NATO, notwithstanding that article 5 does not apply?

The Prime Minister: I thank my hon. Friend very much, and I go back to the answer I gave to my right hon. Friend the Member for Bournemouth East (Mr Ellwood). I know that, emotionally, many people will want to commit NATO troops to the defence of Ukraine. We have UK troops there now, and members of the Ranger Regiment are going to supplement those we already have.

I have to say that no member of NATO is currently willing to deploy in Ukraine in large numbers to fight Russian aggression in the way that my hon. Friend suggests. Indeed, we have to beware of doing things that would constitute a pretext for Putin to invade. We have to calculate and calibrate what we do very carefully, and I think that the right approach is to build a strong package of economic sanctions, continue to supply defensive weaponry and do all the other things that we are doing.

Stewart Hosie (Dundee East) (SNP): The Prime Minister said that we have already declassified compelling intelligence exposing Russian intent and that

“we will continue to disclose any Russian use of...false flag operations or disinformation.”

How much of that declassified information will be made fully public so as to blunt or halt the spread of

Russian disinformation by letting the people who see it know that it is false before they decide to press the “share” or “send” button?

The Prime Minister: The right hon. Gentleman makes an excellent point. It is very important that people in Ukraine and around the world should be able to trust the information that we are giving out. I have no doubt that the intelligence that we shared about the coup attempt—or the people conspiring against the regime—in Kyiv was right, but we will divulge as much of our sourcing as we can without compromising our intelligence sources.

Alun Cairns (Vale of Glamorgan) (Con): Naturally, we are all alarmed and share concerns at the risks that the people of Ukraine face but we take confidence from the Prime Minister’s statement and actions in helping to co-ordinate the western response. Does my right hon. Friend agree that NATO must always leave the door open for Ukraine joining?

The Prime Minister: My right hon. Friend is completely right and puts his finger on the fundamental point and the thing that we cannot bargain away. A sovereign country must have the right to choose her own destiny, and that is what Ukraine must have. Of course, the path to NATO membership will not be easy for anybody and no one is saying that that is going to happen immediately. But a country must be allowed to choose its own way forward, and that is what we are sticking up for.

Stephen Farry (North Down) (Alliance): Any Russian invasion of Ukraine would be a very serious breach of the terms of the United Nations charter. In 2014, the seizure of Crimea was discussed in the Security Council on seven occasions, I think. Eventually, a resolution was passed to the General Assembly that left Russia extremely isolated. What plans do the Government have to pursue the current crisis through the UN? Given the reality of a Russian veto at the Security Council, we could perhaps look once again to the General Assembly.

The Prime Minister: The hon. Gentleman is completely right. It is an underestimated point in our favour that I do not believe, in the end, that Russia wants the kind of isolation that would ensue. Of the global institutions, Russia takes the UN very seriously. Russia values her membership of the UN Security Council. What he proposes about using the General Assembly is entirely right. But it is very important that we not only have tough measures but provide the avenue for diplomacy as well.

Jane Stevenson (Wolverhampton North East) (Con): I thank the Prime Minister for sending such a strong and clear message to Vladimir Putin and everyone across the House for backing the Prime Minister on such a crucial issue. At such a worrying time, can the Prime Minister reassure British nationals in Ukraine that our embassy in Kyiv remains open to provide assistance should they require it?

The Prime Minister: Yes, I am very happy to give that reassurance. As I said just now, the embassy continues to function. At least 30 staff are there to look after British interests in Kyiv and around Ukraine.

Luke Pollard (Plymouth, Sutton and Devonport) (Lab/Co-op): The Kremlin does not act in isolation; it acts against a plan. Will the Prime Minister set out what additional support we will be providing to our allies on NATO's eastern flank, especially that using UK forces already stationed in those countries, to deter any future Russian aggression after any invasion of Ukraine?

The Prime Minister: The hon. Gentleman is making an important point. What we are all discussing at the moment is what we can do to fortify NATO's eastern/south-eastern flank. The French are looking at Romania. There are questions about Hungary and what we might do there; as he knows, there are complex issues involving the Hungarian minority in Ukraine. Everybody—particularly the Americans; he heard what I said about the 8,500 troops getting ready to go to Europe—can see the need now to move NATO forces, to fortify NATO's eastern flank.

Richard Drax (South Dorset) (Con): The diplomacy of the velvet glove must be supported by a steel fist if it is to be effective. Does the indirect threat to NATO inform the Prime Minister that NATO must spend more money on its conventional forces? In that respect, will he reconsider the 10,000 cut to our Army?

The Prime Minister: We have spent record sums on our wonderful Army and it is now more agile, lethal and deployable around world, which is why we are able to move at speed and not just deploy in Estonia but, as I said to the hon. Member for Plymouth, Sutton and Devonport (Luke Pollard), look to move to other parts of NATO's eastern frontier.

Jim Shannon (Strangford) (DUP): I thank the Prime Minister and the Secretaries of State for Foreign, Commonwealth and Development Affairs and for Defence for their resolute and strong stance. The UK, NATO and the USA have committed troops to the Baltic states and Poland; to combat and stop Russian aggression, similar support needs to be given to Ukraine. The pictures in the press last week that showed Ukrainian militia training with wooden guns very much illustrated the David and Goliath struggle. Will the Prime Minister confirm that military assistance and boots on the ground are needed urgently in Ukraine right now?

The Prime Minister: I too saw those pictures of Ukrainian civilians training with wooden weapons. I can tell the hon. Gentleman that we are supporting the Ukrainian army. There is now a strong tradition in Ukraine of militias and people who understand how to fight a guerrilla war. The message we need to get across to the Russian people is that it would be a disaster for them and a political disaster for Vladimir Putin.

Mr Jonathan Djanogly (Huntingdon) (Con): In his very strong statement, my right hon. Friend rightly spoke about the need for western unity. It seems bizarre that Germany, of all countries in Europe, needs to be reminded that murderous dictators will never be satisfied with a single land grab and that any attack on Ukraine is, ultimately, an attack on all of Europe. Will my right hon. Friend remind the Germans of that?

The Prime Minister: My hon. Friend and I have discussed these types of issues over many years. Actually, given the extreme delicacy of the matter in Germany—given

the dependence on Russian hydrocarbons that I have described to the House—I really think that Olaf Scholz is doing a huge job of moving and getting us to a position where we have a united western approach and I commend the German Government.

Stewart Malcolm McDonald (Glasgow South) (SNP): For reasons we do not need to go over just now, Germany has blocked some NATO allies from providing certain military assistance to Ukraine. What assessment have the Government made of that blocking? Where it is necessary for Ukraine to defend itself, will the UK Government and others ensure that it gets the maximum spread of capability we are able to provide?

The Prime Minister: The hon. Gentleman makes an important point but, as he knows and as I have told the House, given the NLAWs, or next-generation light anti-tank weapons, that we have sent in addition to all the aid we have given under Operation Orbital, we are the second-biggest contributor to the defence—I stress: the defence—of Ukraine. I saw a poll of the Ukrainian people that said that the UK was now the most popular foreign Government in Ukraine, second only—[*Interruption.*] Not second only to the Scottish Government but second only to Lithuania.

Robert Jenrick (Newark) (Con): The UK is proving to be the pre-eminent European nation in the support and defence of Ukraine, so I thank my right hon. Friend for his leadership on that. Nobody could doubt our commitment to European security. I have been encouraged by my right hon. Friend's remarks about Germany, but it is critical that the German Government play a full part if we are to deliver the unprecedented package of financial and other sanctions that he described and that were set out in the call last night. How confident is my right hon. Friend of that and what more can he do with Chancellor Scholz to ensure it is delivered?

The Prime Minister: My right hon. Friend is right: Germany is absolutely critical to our success in this matter. We have just got to keep the pressure up together.

Layla Moran (Oxford West and Abingdon) (LD): I heard what the Prime Minister said earlier to the Leader of the Opposition about the introduction of a register of beneficial interests, but my question is: when? It has been six years since such a register was promised at that Dispatch Box and nothing has happened. Every moment that we wait undermines our position. I have introduced my private Member's Bill on the issue and it has support from both sides; will the Prime Minister please take it up? We need to send the message that cronies' money is not welcome in this country.

The Prime Minister: The hon. Lady is completely right. In addition to the unexplained wealth orders and the crackdown on tax evasion, we want a register of beneficial interests. I can tell her that the Leader of the House tells me that we will do it as soon as parliamentary time allows.

Jason McCartney (Colne Valley) (Con): I have a vibrant Ukrainian community in my constituency, many of whom I met earlier this month. Will the Prime Minister reassure them of our commitment to the defence

support package for Ukraine and our readiness to unleash economic sanctions on Russia, and will he stand firm for freedom and democracy alongside the Ukrainian people?

The Prime Minister: Yes, the UK has been at this for a long time now. It was an important signal, which I hope my hon. Friend will take back to his constituents, that we stuck up for Ukrainian rights of navigation when we sent HMS Defender through that route. If hon. Members remember, the Government came under pressure from people for taking what was described as a “provocative” route, but all we were doing was sticking up for the rights of freedom of navigation for the Ukrainians.

Alyn Smith (Stirling) (SNP): The Russian regime is a clear and present danger to the rules-based international order, so the SNP will be part of the coalition in Ukraine’s defence. In that spirit, does the Prime Minister accept that the real frustration of Opposition Members is that his credibility and the credibility of his Government and of us all has been undermined by continued inaction in implementing the “Moscow’s Gold” report and the Russia report? We would support the legislation to strengthen his credibility, so let us get on with it.

The Prime Minister: I do not think that is fair. The Government have been absolutely ruthless in applying Magnitsky sanctions, which the right hon. Member for Ross, Skye and Lochaber (Ian Blackford) helped to promote. My right hon. Friend the Lord Chancellor produced them and they are a great thing. We have targeted people involved in the poisoning of Alexei Navalny and we will use direct targeted sanctions now against the Putin regime.

Felicity Buchan (Kensington) (Con): Ukraine has very strong historical and cultural links to my constituency, with the Ukrainian embassy, the Ukrainian Cultural Centre and the Ukrainian Institute all based in Holland Park. Can the Prime Minister assure me that we will do everything to support the people of Ukraine in their desire to live in peace?

The Prime Minister: Yes, indeed. I am familiar with the statue of St Volodymyr in my hon. Friend’s constituency and I know the amazing contribution of the Ukrainian community to our great capital. I hope that she will pass on the message that we stand four-square with them.

Ms Anum Qaisar (Airdrie and Shotts) (SNP): A percentage of our natural gas comes from Russia and Putin has already said that he will turn off the taps if he deems Moscow to be unfairly sanctioned by the west. My constituents are already struggling with rising fuel costs, which is why I voted for the SNP motion in our cost of living increases debate yesterday. Does the Prime Minister accept that he must bring in a package of domestic policies to help families to pay for bills so that the international issue does not compound the problem?

The Prime Minister: The hon. Lady is right to draw attention to the price spike in energy around the world. Actually, Russian gas comprises only 3% of the UK’s gas supplies, but we have to mitigate the impact of the

cost of energy on families with the cold weather payments and everything that we are doing to increase the living wage—all the support that we are giving families throughout the winter and beyond.

Shailesh Vara (North West Cambridgeshire) (Con): May I commend the Prime Minister on his tough statement? The point has already been made about the disinformation that is coming from the Kremlin, but he will appreciate that much of that is targeted at NATO. Will he use this opportunity to make it absolutely clear that NATO is a defensive organisation and that it should not in any way be construed as being offensive or threatening?

The Prime Minister: Yes, my hon. Friend is so right, because that is the misconception, whether witting or otherwise. Russia persists in the fiction that NATO is somehow an aggressive alliance and a threat to Russia. NATO is not an aggressive alliance; Russia is not encircled by threats. It is absolutely vital that we convey that to Vladimir Putin. If he can understand that, that is the route to progress and that is the diplomatic path that we have to follow.

Martin Docherty-Hughes (West Dunbartonshire) (SNP): The Prime Minister will get every support from the SNP Benches for defending national self-determination within Europe. Does he not agree that it is time that the UK Government sign a robust security and defence agreement with the European Union to replace that in the Lisbon treaty—most critically, article 42.7 of that treaty?

The Prime Minister: If we look at what is happening, the conversation I had last night was with European partners comprising the vast bulk of defence spending in the west; we work very closely with our European partners, as we do with all our NATO partners. NATO remains the primary vehicle for our defence. NATO is a very valuable interlocutor with Russia. The NATO-Russia Council has proved its worth in the last few months.

Mr Philip Hollobone (Kettering) (Con): Is this the wake-up call that NATO needs so that all its members finally meet their obligations to spend at least 2% of their GDP on defence?

The Prime Minister: My hon. Friend is completely right. As so many colleagues have said, this is not just about Ukraine. This is about the ambition of the Kremlin to seize this moment to try to reimpose a new order and a new security architecture in the European continent, one that we absolutely reject. We stand for the rights of free peoples everywhere to determine their own fate. That was the fantastic achievement of the end of the cold war, the fall of the Berlin wall, and that high moment in 1990 when we had a Europe whole and free. That is what we are trying to protect.

Margaret Ferrier (Rutherglen and Hamilton West) (Ind): There are reports of some Ukrainians beginning to stock up on non-perishable goods. Can the Prime Minister confirm that the Government have plans in place to support provision of necessities to ordinary Ukrainian people if necessary?

The Prime Minister: Of course we will do what we can to provide economic support in the event of a disaster, but the most important thing we can do now is to try to prevent that disaster from occurring by unifying the west in the way I have been describing this afternoon.

Madam Deputy Speaker: I thank the Prime Minister for his statement. I am sorry not everybody could get in, but we have to move on to the next business.

Point of Order

2.22 pm

Mr Alistair Carmichael (Orkney and Shetland) (LD): On a point of order, Madam Deputy Speaker. Since the Paymaster General responded to the urgent question earlier, it has been reported that the Metropolitan police actually want the full Gray report to be published and are surprised at the Government's position. Given what the Paymaster General told the House about the Government co-operating with the police, if that position is confirmed, we would expect them to do so. Can you give guidance about what the House can do to enforce that if they do not?

Madam Deputy Speaker: I thank the right hon. Gentleman for his point of order. That is not really a matter for the Chair, but a matter for the Government. I am sure he will be able to seek advice from the Table Office and others as to whether there are other avenues that can be pursued in terms of eliciting the information he is looking for. I know the Front Bench will have heard the right hon. Gentleman's point of order and his concerns and I am sure they will report that back.

Consumer Protection (Double Charging)

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

2.23 pm

Huw Merriman (Bexhill and Battle) (Con): I beg to move,

That leave be given to bring in a Bill to make provision about protecting consumers from being charged twice for the same good or service; and for connected purposes.

In a nutshell, this Bill would end the practice where customers are fined or charged again for a good or service that they can prove has already been purchased. Having supported constituents who have attempted, unsuccessfully, to appeal against such charges, I am left with the view that the law needs to change to give consumers more rights and to catch up with changes in technology that those who make these charges do not appear to have embraced. I am grateful to the campaign group Which? for its support for bringing about this change.

Let me give a few examples of those who would be helped if we put this Bill on to the statute book. First, there is the driver who parks their car in a local authority car park and puts their annual season ticket on the dashboard; they close the door and the ticket slips down and is not displayed correctly. Despite being able to prove that they have a season ticket registered to their car, they have not displayed the pass and that delivers them a £60 fine. Secondly, there is the rail passenger who prints out their Trainline documentation, but the ticket barrier cannot read a QR code. Despite the documentation demonstrating proof of payment, it is technically not a ticket, and they get charged a penalty fare at the barrier, despite there being a ticket machine that could print the ticket 10 metres on the other side of that barrier.

These are examples from my constituency—real-life examples—and Which? has supplied others. A driver was issued a parking penalty notice by a local authority because he accidentally used the wrong parking area code on a map, and although he paid the right amount to the right council, it was for the wrong part of the car park. Similarly, a driver was issued with a parking penalty even though they had paid the parking company by phone; the car that was previously registered had been replaced. A woman knocked two parking tickets off her dashboard, and accidentally placed the incorrect ticket for display; this woman owns the space in question under her lease and has evidence of the valid ticket confirming that no loss was suffered by the parking company. Finally, a man received a parking penalty notice after he filled in the wrong entry time for a supermarket car park but paid for the length of his stay. No loss was suffered by the supermarket, which could have confirmed the same by looking at its cameras.

There are numerous additional examples of this sharp practice where consumers have been fined despite no loss being suffered by the organisation. Some organisations offer discretion, but some do not. Many cases occur because the organisation is using outmoded technology. Why is it that local authorities fine drivers for not displaying a ticket when an easier and hassle-free alternative is for a parking attendant to be given the technology to check the vehicle registration against the season ticket database? In our digital age, consumers are being offered efficient ways to purchase, but these are not always

being matched by an efficient way to prove purchase. The Bill would ensure that organisations catch up with this century's technology.

Let us take the Trainline case as an example. My constituent took the train from Brighton to Tunbridge Wells, which necessitated a change at London Bridge. The barrier at Brighton recognised the QR code, so no printed orange rail ticket was needed. The leg from London Bridge to Tunbridge Wells did need an orange rail ticket because the barrier at Tunbridge Wells had not been upgraded, but the constituent did not need to leave the platform at London Bridge. Despite showing paperwork confirming name, payment and train times, the constituent got a penalty fare from the operative manning the barrier. He could have walked 10 metres with her to the ticket machine and obtained the ticket there and then. Instead, he explained that the constituent could appeal the penalty fare; that did not succeed, and neither did an appeal to the fares regulator.

In none of these circumstances or examples did the service provider suffer any loss. Instead, such service providers have ended up making a profit off the back of those customers who have already paid. It is an absolute rip-off, and an obvious black hole in consumer legislation that needs a fix, and this is what my Bill would do. Although the cases I have highlighted are transport-related, this is a general consumer issue, and I hope that the Under-Secretary of State for Business, Energy and Industrial Strategy, my hon. Friend the Member for Sutton and Cheam (Paul Scully), who is on the Front Bench, will lend his full support. That said, I am grateful for the support of the Transport Committee members who are sponsoring the Bill. I should highlight the importance of those whom this Bill would protect being able to demonstrate purchase. We cannot aid those who seek to commit fraud. With the support of Government, that can be overcome.

The last Bill I attempted to introduce in these circumstances required banks to ensure that every high street supporting 5,000 or more residents had at least one free 24/7 ATM cashpoint. The Government backed that move. Previously, I attempted to bring in automatic and automated passenger refunds, and we have had partial moves in the right direction by the Government. I am grateful to them and to colleagues across the House who have supported the introduction of this Bill—I am afraid that there are more of them than the 11 signatures I am allowed to add, but I am very grateful to see my hon. Friend the Member for Southport (Damien Moore) and my right hon. Friend the Member for New Forest East (Dr Lewis) here to support it. We all have constituents who have suffered at the hands of pernicious organisations that are living in the last century, and I very much hope that the Government will find a way to support bringing to an end this sharp practice.

Question put and agreed to.

Ordered,

That Huw Merriman, Grahame Morris, Karl McCartney, Gavin Newlands, Jim Shannon, Mr Ben Bradshaw, Greg Smith, Robert Langan, Simon Jupp, Sally-Ann Hart, Steve Brine and Robbie Moore present the Bill.

Huw Merriman accordingly presented the Bill.

Bill read the First time; to be read a Second time on Friday 18 March, and to be printed (Bill 235).

Afzal Khan (Manchester, Gorton) (Lab): On a point of order, Madam Deputy Speaker. The shocking and serious allegation made by the hon. Member for Wealden (Ms Ghani) reminds us that the Conservative Government continue to ignore the blatant Islamophobia in their own ranks. I wrote to the Prime Minister urging him to better safeguard British Muslims and fulfil his promise to carry out an independent investigation into the Conservative party; it took him more than a year to respond. I was then promised a full response from the Secretary of State for Levelling Up, Housing and Communities; it has been two months and I still have not received one. I understand that the Government have been busy with parties—sorry, I mean meetings—but is it in order for Ministers to continue to ignore correspondence on such a serious matter as Islamophobia?

Madam Deputy Speaker (Dame Rosie Winterton): I am grateful to the hon. Gentleman for giving notice of his point of order. Ministers should reply to correspondence in a timely manner; I do hope that the hon. Gentleman receives a full reply to his correspondence quickly. I know that Ministers on the Front Bench will have heard his point of order and my response, and I trust that they will take steps to make sure that a reply is sent soon.

JUDICIAL REVIEW AND COURTS BILL (PROGRAMME) (NO. 2)

Ordered,

That the Order of 26 October 2021 (Judicial Review and Courts Bill (Programme)) be varied as follows:

- Paragraphs (4) and (5) of the Order shall be omitted.
- Proceedings on Consideration—

(a) shall be taken in the order shown in the first column of the following Table, and

(b) shall (so far as not previously concluded) be brought to a conclusion at the times specified in the second column of the Table.

Proceedings	Time for conclusion of proceedings
New Clauses and new Schedules relating to judicial review, new Clauses and new Schedules relating to coroners, amendments of Part 1 and amendments of Chapter 4 of Part 2.	4.00 pm at today's sitting.
Remaining proceedings on Consideration.	6.00 pm at today's sitting.

3. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption at today's sitting.—(*Amanda Solloway.*)

Judicial Review and Courts Bill

Consideration of Bill, as amended in the Public Bill Committee

[*Relevant document: Tenth Report of the Joint Committee on Human Rights, "Legislative Scrutiny: Judicial Review and Courts Bill", HC 884/HL 120.*]

Madam Deputy Speaker (Dame Rosie Winterton): When the shadow Minister stands up to move new clause 4, I will be grateful if others stand up to indicate whether they wish to participate in the debate on the first group of amendments.

New Clause 4

PUBLICLY FUNDED LEGAL REPRESENTATION FOR BEREAVED PEOPLE AT INQUESTS

“(1) Section 10 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 is amended as follows.

(2) In subsection (1), after ‘(4)’ insert ‘or (7).’

(3) After subsection (6), insert—

‘(7) This subsection is satisfied where—

(a) the services consist of advocacy at an inquest where the individual is an Interested Person pursuant to section 47(2)(a), (b), or (m) of the Coroners and Justice Act 2009 because of their relationship to the deceased; and

(b) one or more public authorities are Interested Persons in relation to the inquest pursuant to section 47(2) of the Coroners and Justice Act 2009 or are likely to be designated as such.

(8) For the purposes of this section “public authority” has the meaning given by section 6(3) of the Human Rights Act 1998.’.—(*Andy Slaughter.*)

This new clause would ensure that bereaved people (such as family members) are entitled to publicly funded legal representation in inquests where public bodies (such as the police or a hospital trust) are legally represented.

Brought up, and read the First time.

2.33 pm

Andy Slaughter (Hammersmith) (Lab): I beg to move, That the clause be read a Second time.

Madam Deputy Speaker: With this it will be convenient to discuss the following:

New clause 5—*Removal of the means test for legal help prior to inquest hearing*—

“(1) Schedule 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 is amended as follows.

(2) In paragraph 41, after sub-paragraph (3), insert—

‘(4) For the purposes of this paragraph, the “Financial resources” provisions at section 21 (and in The Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013 do not apply.’.

This new clause would remove the means test for legal aid applications for legal help for bereaved people at inquests.

New clause 6—*Eligibility for bereaved people to access legal aid under existing provisions*—

“(1) Section 10 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 is amended as follows.

(2) In subsection (4)(a), after ‘family’, insert ‘or where the individual is an Interested Person pursuant to section 47(2)(m) of the Coroners and Justice Act 2009 because of their relationship with the deceased’.

(3) In subsection (6), after paragraph (c), insert—

‘(d) or they fall within any of the groups named at section 47 (2)(a), (b) or (m) of the Coroners and Justice Act 2009.’

(4) Schedule 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 is amended as follows.

(5) In paragraph 41, after sub-paragraph (3)(c), insert—

‘(d) or they fall within any of the groups named at section 47 (2)(a), (b) or (m) of the Coroners and Justice Act 2009.’

This new clause would bring the Legal Aid, Sentencing and Punishment of Offenders Act 2012 into line with the definition of family used in the Coroners and Justice Act 2009.

New clause 8—Exclusion of review of the Investigatory Powers Tribunal—

“(1) Section 67 of the Regulation of Investigatory Powers Act 2000 is amended as follows.

(2) Leave out subsection (8) and insert—

‘(8) Subject to section 67A and subsections (9) and (10), determinations, awards, orders and other decisions of the Tribunal (including decisions as to whether the Tribunal has jurisdiction and purported determinations, awards, orders and other decisions) shall be final and shall not be subject to appeal or be liable to be questioned in any court.

(9) In particular—

(a) the Tribunal is not to be regarded as having exceeded its powers by reason of any error of fact or law made in reaching any decision; and

(b) the supervisory jurisdiction of the courts does not extend to, and no application or petition for judicial review may be made or brought in relation to, any decision of the Tribunal.

(10) Subsections (8) and (9) do not apply so far as the decision involves or gives rise to any question as to whether the Tribunal—

(a) has a valid case before it;

(b) is or was properly constituted for the purpose of dealing with the case;

(c) is acting or has acted in bad faith, with actual bias or corruption or in some other way that constitutes a fundamental procedural defect.

(11) No error of fact or law made by the Tribunal in reaching any decision is to be construed as relevant to the question.’

(3) The amendment made by subsection (2) applies to determinations, awards, orders and other decisions of the Tribunal (including purported determinations, awards, orders and other decisions) made before the day on which this section comes into force.”

New clause 9—Evidence in judicial review proceedings—

“(1) Unless there are compelling reasons to the contrary, no court shall—

(a) permit oral evidence to be elicited in judicial review proceedings; or

(b) order public bodies or any person exercising or entitled to exercise public authority to disclose evidence in anticipation of or in the course of judicial review proceedings.

(2) In relation to any judicial review proceedings, or in anticipation of any judicial review proceedings, in which a public body or a person exercising or entitled to exercise public authority argues, or indicates its intention to argue, that—

(a) the proceedings concern a matter that is non-justiciable, or

(b) that an enactment excludes or limits judicial review, no evidential duty arises on that body or person until a court determines that the matter is justiciable and that no enactment excludes or limits judicial review.

(3) In subsection (2), ‘evidential duty’ means any principle of law or rule of court touching the identification of relevant facts or reasoning underlying the measure or other matter in respect of which judicial review is sought, or any order of the court to adduce oral or other evidence.

(4) Nothing in subsection (2) or (3) affects an evidential duty that may arise in relation to judicial review proceedings other than in relation to a measure or other matter that is argued to be non-justiciable or to be excluded from judicial review by legislation.”

Amendment 23, page 1, line 3, leave out clause 1.

This amendment would remove clause 1 of the Bill continuing the status quo removing the provision to make quashing orders suspended and prospective-only.

Amendment 1, in clause 1, page 1, line 8, leave out from “order” to end of line 9.

This amendment would remove the provision for making quashing orders prospective-only.

Amendment 24, page 1, line 9, at end insert—

“(1A) Provision under subsection (1) may only be made if the court is satisfied that it is in the interest of justice to do so.”

The insertion of this subsection would limit the use of any new remedies issued under clause one to where in the court’s view it is in the interests of justice.

Amendment 31, page 1, leave out lines 10 and 11.

This amendment removes the ability to make a suspended or prospective-only quashing order subject to conditions.

Amendment 2, page 1, leave out lines 15 to 18.

This amendment is consequential on Amendment 1, which removes the provision for making quashing orders prospective-only.

Amendment 3, page 2, line 2, leave out “or (4)”.

This amendment is consequential on Amendment 1, which removes the provision for making quashing orders prospective-only.

Amendment 26, page 2, line 4, at end insert—

“(5A) Where the impugned act consists in the making or laying of delegated legislation (the impugned legislation), subsections (3) or (4) do not prevent any person charged with an offence under or by virtue of any provision of the impugned legislation raising the validity of the impugned legislation as a defence in criminal proceedings.

(5B) Subsections (3) or (4) does not prevent a court or tribunal awarding damages, restitution or other compensation for loss.”

This amendment would protect collateral challenges by ensuring that if a prospective only or suspended quashing order is made, the illegality of the delegated legislation can be relied on as a defence in criminal proceedings.

Amendment 27, page 2, line 12, leave out “must” and insert “may”.

This amendment would make clear that the factors which the court considers before making a modified quashing order are a matter for the court’s discretion.

Amendment 33, page 2, leave out lines 14 and 15.

This amendment removes one of the factors to be considered by the courts when deciding whether to award a suspended quashing order or quashing order with limited or no retrospective effect. This is intended to rebalance the factors to be given consideration so as not to disadvantage the claimant unfairly.

Amendment 34, page 2, line 17, at end insert

“including, but not limited to, the interests and expectations of a claimant in receiving a timely remedy”.

This amendment would make it clear that the provision of a timely remedy to the claimant is a factor to be given consideration by the courts when deciding whether to award a suspended quashing order or quashing order with limited or no retrospective effect.

Amendment 35, page 2, line 19, at end insert

“which are to be identified by the defendant”.

This amendment would require the defendant to identify what the interests and expectations of persons who have relied on the impugned act are and to explain these to the court.

Amendment 28, page 2, line 21, leave out
“or proposed to be taken”.

This amendment would remove the requirement to take account of actions which the public body proposes or intends to take but has not yet taken.

Amendment 37, page 2, leave out line 23 and insert—

“(f) the Convention rights of any person who would be affected by the decision to exercise or fail to exercise the power;

(g) the right to an effective remedy for a violation of a Convention right under Article 13 of the European Convention on Human Rights; and

(h) any other matter that appears to the court to be relevant.”

This amendment would ensure that the courts would take into account the ECHR rights of those affected, including the right to an effective remedy, before exercising the new power to suspend a quashing order or give it prospective-only effects.

Amendment 29, page 2, line 23, at end insert—

“(8A) In deciding whether there is a detriment to good administration under subsection (8)(b), a court must have regard to the principle that good administration is administration which is lawful.”

This amendment clarifies that the principle of good administration includes the need for administration to be lawful.

Amendment 25, page 2, leave out lines 24 to 32 and insert—

“(9) Provision may only be made under subsection (1) if and to the extent that the court considers that an order making such provision would, as a matter of substance, offer an effective remedy to the claimant and any other person materially affected by the impugned act in relation to the relevant defect.”

This amendment would remove the presumption and make it a precondition of the court’s exercise of the new remedial powers that they should offer an effective remedy to the claimant and any other person materially affected by the impugned act.

Amendment 4, page 2, leave out lines 24 to 32.

This amendment would protect the discretion of the court by removing the presumption in favour of issuing suspended, prospective-only quashing orders.

Amendment 38, page 2, line 29, leave out from “court” to end of line 30 and insert

“may exercise the powers in that subsection accordingly”.

This amendment would remove the requirement for a court to issue a suspended or prospective quashing order when the provisions of section 1(9)(b) apply.

Amendment 32, page 2, leave out lines 31 and 32.

This amendment removes the extra weight which would otherwise be given to subsection 8(e) by the courts when applying the test created in subsection 9(b) to establish whether the statutory presumption is applicable.

Amendment 30, page 3, line 13, at end insert—

“(5) After section 31A of the Senior Courts Act 1981 insert—
‘31B Constitutional importance of judicial review

It is recognised that judicial review is of fundamental constitutional importance to the rule of law, the accountability of public bodies and the government in particular, access to justice and the protection of human rights and that limitations on access to judicial review should only be imposed where strictly necessary and proportionate.”

This amendment would highlight the importance of judicial review in the UK’s constitutional principles.

Amendment 5, page 3, line 14, leave out clause 2.

This amendment would preserve the ability of claimants to seek judicial review of a decision by the Upper Tribunal to refuse permission to appeal a decision of the First-tier Tribunal (also known as “Cart judicial review”).

Government amendment 6.

Amendment 42, in clause 2, page 4, line 16, leave out from “Ireland” to the end of line 17.

This amendment is consequential on amendment 43.

Amendment 43, page 4, line 19, at end insert—

“(8) This section does not extend to Scotland.”

This amendment would ensure that the exclusion of review of Upper Tribunal’s permission-to-appeal decisions did not extend to Scotland.

Andy Slaughter: It is a pleasure to open the debate and speak to the new clauses and amendments that stand in my name and those of my right hon. and hon. Friends. I am grateful to the Government for their co-operation on the programme motion, and to the Minister and his colleagues for the civilised way in which we have debated the Bill thus far. Unfortunately, they were not persuaded by our arguments in Committee, so if there is no movement today, the Opposition will vote against the Bill on Third Reading, as we did on Second Reading. We have issues with part 2 of the Bill, which will mainly be dealt with by my hon. Friend the Member for Stockton North (Alex Cunningham) in the debate on the second group of amendments, although I will deal in this group with our concerns about chapter 4 on coroners and our proposed new clauses 4 to 6.

I start with amendments to part 1 of the Bill, which are the most numerous and most needed to try to redeem the Bill. There is a strong clue to the Opposition’s approach in amendment 23, which we tabled to leave out clause 1 in its entirety. I have also signed amendment 5, tabled by the Liberal Democrats’ spokesperson, the hon. Member for Bath (Wera Hobhouse), which would leave out clause 2. In short, we see no merit at all in part 1 of the Bill and would strike it out.

The purpose of judicial review is to determine whether public bodies have made lawful decisions and to provide remedies where they have not. The conceit of the Government’s approach, which would be taken further by new clauses 8 and 9, tabled by the right hon. Member for South Holland and The Deepings (Sir John Hayes), is that the courts are trespassing on the rights of Parliament, substituting their views for ours and, in some ways, entering the realm of politics. We read that the Justice Secretary and the Prime Minister think that the Bill, which was introduced by the previous Lord Chancellor, the right hon. and learned Member for South Swindon (Sir Robert Buckland), does not go far enough in clipping the judges’ wings. They seek to remedy that through repeal of the Human Rights Act 1998 and its replacement by a so-called new Bill of Rights and an interpretation Act: an annual audit by Parliament of which judicial decisions it likes and which it seeks to overturn. The Opposition think that that is constitutionally wrong and a provocation.

A better way to look at the role of the courts was set out by the late Lord Bingham in *A. v. Secretary of State for the Home Department* who, in rejecting submissions from the then Attorney General in that case, said:

“I do not in particular accept the distinction which he drew between democratic institutions and the courts. It is of course true that the judges in this country are not elected and are not

answerable to Parliament. It is also of course true...that Parliament, the executive and the courts have different functions. But the function of independent judges charged to interpret and apply the law is universally recognised as a cardinal feature of the modern democratic state, a cornerstone of the rule of law itself. The Attorney General is fully entitled to insist on the proper limits of judicial authority, but he is wrong to stigmatise judicial decision-making as in some way undemocratic.”

We celebrate the role that judicial review plays in our constitution in amendment 30, which says that

“judicial review is of fundamental constitutional importance to the rule of law, the accountability of public bodies and the government in particular, access to justice and the protection of human rights and that limitations on access to judicial review should only be imposed where strictly necessary and proportionate.”

Should the Government prefer that wording to that of the clause, that would be welcome. Failing that, we have tabled 11 further amendments that cumulatively or, in the alternative, seek to mitigate the worst effects of clause 1.

The clause introduces suspended or prospective-only quashing orders and cements them with a presumption that they will be employed by the courts in most cases. The Government-appointed independent review of administrative law, which was supposed to lay the groundwork for the Bill, did not recommend prospective-only orders and specifically disapproved any presumption as to their use. Prospective-only orders could deprive claimants of a proper chance of redress and will certainly create a chilling effect. What is the incentive to pursue judicial review if the claimant has no prospect of having the wrong righted?

The presumption is the clearest but not the only way in which the clause seeks to fetter judicial discretion. The Opposition's remaining amendments seek to restore that discretion and attack the most prescriptive parts of the clause. Amendment 24 provides that modified quashing orders will be applied only where, in the court's view, it is in the interests of justice, and that they ought to be confined to those rare cases where a quashing order might cause, for example, significant disadvantage to third parties. Amendment 31 recognises that suspended quashing orders may be beneficial in some cases but seeks clarity from the Government on their intentions and what conditions they feel should be met when using the provision.

Amendment 26 looks to preserve collateral challenge in the event that such modified quashing orders are used. Let us say that delegated legislation made during the coronavirus crisis that created imprisonable criminal offences was declared illegal by a court. If a court granted a prospective-only quashing order under the Bill, that would make imprisonment legal before the remedy. A person accused could not argue before the criminal courts that the statutory instrument was invalid, because the measure requires a judge to act as if it were valid. The amendment seeks to protect a person's right to use the court's decision as a defence in criminal proceedings.

Amendment 27 clarifies any factors that the court considers are a matter for its own judgment. The current use of “must” instead of “may” directs the judge's reasoning and interferes with judicial independence and discretion. That is especially obnoxious as judicial review is discretionary and involves taking account of all the factors before the court. The court must be able to do justice on the facts, not be nudged to decide cases favourably to the Executive.

Amendments 33 to 35, 28 and 32 deal with the list of factors the Bill requires the courts to consider when applying a quashing order. For example, amendment 33 will remove a factor that would unfairly disadvantage the claimant. Amendment 34 recognises that a suspended or prospective-only quashing order can leave a claimant waiting for justice, so it asks the court to be mindful of a timely remedy. Amendment 28 would remove the requirement to take account of actions that the public body proposes to take. For example, if a public body tells a court that it intends to carry out certain measures to fix a problem, the court may suspend the quashing order, but if the public body goes away and changes its mind on the actions that it will take, the claimant, again, is left without a timely remedy. Amendment 28 would ensure that the court does not have to take account of the proposals made by a public body, and so a quicker remedy for the claimant ensues. Taken together, the amendments rebalance the proposal in clause 1 to protect the rights of claimants.

Amendment 29 clarifies that the principle of good administration includes the need for administration to be lawful. Let me finally, in addressing clause 1, turn to amendment 25, which would remove the presumption that suspended or prospective-only quashing orders should be used, and, instead, favours an effective remedy being offered to the claimant so that justice is preserved. The presumption set out in clause 1(9) undermines the independence and discretion of the court. The presumption acts on a one-size-fits-all approach to justice and does not respect the judge's ability to assess the facts laid out in front of them in their courtroom and decide on a suitable conclusion. Amendment 25 also has a further protective factor that, if clause 1 is kept within the Bill and suspended and prospective-only quashing orders are to be used, there will be a pre-condition that there will be an effective remedy. If a single step could improve this part of the Bill, save abandoning it entirely, it is the removal of the presumption. For that reason, we wish to test the House on amendment 25 this afternoon and put it to a vote at the end of the debate.

Clause 2 ousts the jurisdiction of the High Court in relation to what are called Cart judicial reviews and removes the supervisory jurisdiction of the court over the tribunal system in those cases—for example, where the upper tribunal has refused the claimant the right to challenge the decision made in the first-tier tribunal not to allow and appeal the earlier decision.

In Committee, we objected to clause 2 both because of the nature of the cases subject to the Cart jurisdiction, which are primarily, but not exclusively, immigration and asylum cases, and because, on the Government's own admission, it is designed to set a precedent for future employment of ouster clauses, which they clearly intend to become a more common feature of legislation. That is another attempt to subvert the authority of the courts. Unlike with clause 1, there is little that could be done to improve clause 2—you either like it or you don't. Therefore, most commentators who are concerned by it think that the only solution is to strike it down. That was also the view of both Opposition parties in Committee, and we see from amendment 5 that it is also the view of the Liberal Democrats whose amendment to leave out clause 2 I have signed.

Contrary to the Government's narrative that Cart judicial reviews are profligate, they are only allowed to proceed where there is an arguable case that has a

[*Andy Slaughter*]

reasonable prospect of success that both the decision of the upper tribunal refusing permission to appeal and the decision of the first-tier tribunal against which permission to appeal was sought are wrong in law. The claim either raises an important point of principle or practice, or there is some other compelling reason to hear it. Again, this is a mechanism to right a wrong. In the instance of *Cart* judicial review, it is to be used when there has been a serious error of law in the first-tier tribunal and stops deserving cases slipping through the net.

2.45 pm

Cart judicial review is usually used for asylum or human rights cases. As all Members will know from their casework, such claims are not only complex, but have serious consequences for the claimants and are often matters of life and death. The independent review of administrative law did favour doing away with *cart* JRs, but these recommendations were based on the wrong statistics—a very low success rate of 0.22%. The Government now admit that the success rate could be 15 times higher, at 3.4%. Other analyses estimate 5% or even above 7%.

In Committee I cited many compelling cases, which I do not have time to repeat here. We are concerned about the consequences for individuals currently protected by the right of appeal, albeit in narrow and prescribed circumstances. But we are also worried about the precedent being set for expansion in the use of ouster clauses. Clause 2 is not just a threat in this Bill but could come back to haunt us again and again if we do not act now to remove it. It is for this reason that I oppose Government amendment 6. If the clause is to stand, the protection given by proposed new subsection (4)(c) is essential. This allows an appeal where the upper tribunal has acted

“in bad faith, or...in fundamental breach of the principles of natural justice.”

This already heavily caveated exception—why bad faith rather than bias; why fundamental breach rather than material breach—will be compounded if the exception on natural justice is qualified by the phrase “procedurally defective”. I therefore ask the Government not to compound the offence and to drop their amendment.

I turn to chapter 4 of part 2, which deals with coroners, and to our new clauses 4 to 6. I make no apology for re-tabling these new clauses, which were discussed in Committee, as they address a burning injustice. But let me first make a brief comment about what is in the Bill.

The Government explain their proposals as a series of reforms to the coroners courts to improve their efficiency and help with the backlog. They mirror some of the provisions in other parts of part 2. We do not object to these in principle, but serious concerns have been raised about clauses 37 to 39. Clause 37 allows for the discontinuance of an investigation where the cause of death becomes clear before the beginning of an inquest. But the evidence for discontinuance may change once tested, and this could be significant, for example, where a death in the community appears initially to be from natural causes. Without the necessary safeguards, some deaths will not be properly scrutinised. Clause 38

gives coroners the power to hold inquests in writing where they decide that a hearing is unnecessary. This takes away a family’s right to request an in-person hearing. Clause 39 would enable remote attendance at inquest hearings. This has implications for accessibility, transparency, participation and open justice.

Taken together, clauses 37 to 39 risk further entrenching levels of coronial inconsistency, which is a continuing problem in the coroners service, and they could exacerbate the difficulties faced by bereaved families who are not eligible for legal aid in navigating the inquest process. I hope that we can return to these issues when the Bill moves to the other place.

The clauses also draw attention to what is not in the Bill. The Bill does nothing to address the ongoing and deeply unjust inequality of arms in the coronial courts. It misses the opportunity to put bereaved people at the heart of the inquest system by providing non-means-tested public funding for bereaved families at inquests where state bodies are represented. The current funding system for the bereaved at inquests is fundamentally unfair. State bodies have unlimited access to public funding for the best legal teams and experts, while families are often forced to pay large sums towards legal costs or to represent themselves. Others have resorted to crowdfunding. The Bill presents a timely opportunity to positively shape the inquest system for bereaved people by establishing in law the principle of equality of arms between families and public authorities, and public authority interested persons. New clause 4 would ensure that bereaved people, such as family members, are entitled to publicly funded legal representation at inquests where public bodies are legally represented.

New clauses 5 and 6 would ensure that the early stages of legal help are available to the bereaved by removing the means test for legal aid applications and bringing the definition of family into line with that in the Coroners and Justice Act 2009.

We are well aware of the draft Hillsborough Bill and the 33-year battle for truth that those families fought. At the original Hillsborough inquest, families received no public funding for representation, while state bodies were represented by five separate legal teams. That led to the draft Hillsborough law, which would provide for a statutory duty of candour for public bodies alongside publicly funded legal representation for bereaved families. The time for that proposal not only has come, but is long overdue. I know that there is cross-party support here and in the other place. If the Government are not yet ready to address that long-standing injustice, we will divide the House on new clause 4.

Several hon. Members *rose*—

Madam Deputy Speaker (Dame Rosie Winterton): In view of the shortness of time, I will have to impose, to start with, an eight-minute time limit. It may very well have to be reduced later.

Sir John Hayes (South Holland and The Deepings) (Con): I rise to speak on new clauses 8 and 9, which stand in my name and that of my hon. Friend the Member for Ipswich (Tom Hunt).

Those who served on the Bill Committee will not be unfamiliar with the arguments I intend to address, as we rehearsed them at considerable length in Committee.

The Minister knows well my general concerns about the Bill: while it is a good start in dealing with the pressing issue of judicial review and how that has been distorted by recent judicial practice, it is only a start. We need much more wide-ranging reform of judicial review and, indeed, much more wide-ranging reform of the relationship between this House and the judiciary, as set out in the Attorney General's recent speech in Cambridge on judicial activism.

New clause 8 addresses the courts' role in curtailing the use of the Regulation of Investigatory Powers Act 2000, and especially in circumventing the role of the investigatory powers tribunal. I take a particular interest in that, having been the Minister at the Home Office who introduced the Investigatory Powers Act 2016, which deals with the necessary precautions and safeguards associated with the storage and retrieval of electronic data. Indeed, the Bill I took through the House introduced the double lock: all warrants, as well as being dealt with by the Home Secretary, are, as an additional safeguard, dealt with by a judicial commissioner. That safeguard was to ensure the core principles of proportionality and necessity, which lay at the heart of all considerations of that kind.

The problem is that the courts have taken it upon themselves to become involved in matters that should be the exclusive preserve of this House. It is very important to see the Bill in context. The supremacy of Parliament is fundamental to protecting the interests of the people. Parliament's role in our constitutional settlement is not—as was suggested in an evidence session with Aidan O'Neill QC—a matter of mutuality.

Marco Longhi (Dudley North) (Con): Does my right hon. Friend agree that the events of Brexit showed the vivid importance of always maintaining the sovereignty of this place and respecting the will of the people?

Sir John Hayes: Absolutely. The separation of powers does not deal with mutuality. It deals with different powers, which are, by constitutional arrangement, held by the courts and this place. The relationship between the two is critical. It is critical to our considerations today and more critical still to our constitution. A. V. Dicey argued that the separation of powers confers on Parliament a dominant characteristic. Parliament consists of Her Majesty the Queen, the House of Lords and the House of Commons acting together. Therefore, as Dicey says:

“The principle of Parliamentary sovereignty means neither more nor less than this, that Parliament... has... the right to make or unmake any law whatever; and further, that no person or body is recognised by the law of England as having a right to override or set aside the legislation of Parliament.”

That is precisely the point that my hon. Friend makes.

We need to reaffirm that principle in general and the Bill is an opportunity to do so. Any Parliament that makes a new law or repeals a law will be obeyed by the courts. That is fundamental to the role of this place. All of us who represent the people, as my hon. Friend says, have a duty, not just a mission, to reflect the will of the people.

Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): Is not the point of judicial review to make sure the Government comply with the

rules and restrictions set by Parliament? Restrictions on judicial review allow the Government to ride roughshod over Parliament's views.

Sir John Hayes: That is, of course, true, and it is why judicial review exists. The hon. Gentleman is right that there need to be checks and balances, but it is wrong to use judicial review to perpetuate matters of high politics or to perpetuate debates that have been settled in the country and in this place.

What we heard from the Minister when we debated these issues at considerable length is that, in effect, people are having several bites of the cherry. Debates were settled and then people came back to reopen them and revisit subjects that had already been agreed. That is not the role of the judicial process and it is certainly not the role of judicial review. The Bill goes some way to addressing that.

The purpose of my new clauses is to probe and press the Government to do more. I strongly urge the Minister to accept them with enthusiasm and alacrity because to involve the courts in matters of investigatory powers, as I said, is quite wrong. The landmark Privacy International case of May 2019 illustrates how wrong it can be. I will not go into detail because time does not permit, but other hon. Members will be familiar with the case and its legal ramifications. I recommend the Attorney General's speech, which I have mentioned already, to those who want to find out more.

Professor Richard Ekins gave evidence to the Public Bill Committee, and he wrote an excellent paper on these subjects for Policy Exchange. He describes the Supreme Court's judgment in respect of the Privacy International case as

“a very serious attack on some fundamentals of the constitution.” — [Official Report, *Judicial Review and Courts Public Bill Committee*, 2 November 2021; c. 15.]

For a very long time, it was not accepted that the courts should become involved in matters of investigatory powers, and particularly the tribunal. There was no possibility of judicial review for 19 years after the 2000 Act was passed.

Sally-Ann Hart (Hastings and Rye) (Con): Will my right hon. Friend confirm that these new clauses would, in effect, stop judicial review departing from a narrow focus on a particular public Act and becoming a free-ranging inquiry into Government decision making?

Sir John Hayes: My hon. Friend makes the point more eloquently than I ever could, partly due to her expertise. The real point is that these cases have created the possibility of a much more wide-ranging rebalancing and reappraisal of the relationship between the courts and Parliament, without public consent—indeed, the public have not been consulted. That is not good for the courts. We want to maintain the integrity of the judicial process by affirming the characteristics they have long enjoyed that underpin the separation of powers. New clause 8 would not only do a great service to the cause my hon. Friend highlights, but improve the Bill and be in the courts' own interest.

It is important to understand that new clause 9 has two parts. Subsection (1) aims to limit the extent to which judicial review proceedings involve the testing of evidence or resolving and disputing questions of fact.

[*Sir John Hayes*]

The traditional view is that judicial review proceedings are an inappropriate forum in which to solicit or test evidence because they are a supervisory jurisdiction that should focus on questions of law rather than questions of fact. Once again, what has occurred over time is that the courts have strayed into debates and inquiries about matters of fact rather than matters of law. That status quo prevailed for a very long time, but the role of the courts has altered. Furthermore, there has been a change in the application of judicial review in respect of evidence. The courts ought to be focused on the legality of a decision, as the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald) said, and whether it stands up to appropriate levels of scrutiny—that is the business of a judicial review. Judicial review is supposed to be a backstop, a check, of the kind he described in his intervention—

3 pm

Mr Alistair Carmichael (Orkney and Shetland) (LD): The difficulty I have with the right hon. Gentleman's argument is this: where facts are in dispute, how can a court be expected to rule on a point of law without hearing evidence?

Sir John Hayes: The court can take evidence, but what it should not be doing is fishing for further information, of a wider variety, which opens up consideration of the original process, rather than checking whether that process was right and proper; it is a subtle difference but a fundamental one in terms of the change in the way courts have gone about their business.

Our new clause addresses this issue, as the Minister will know. Jonathan Sumption is the judge who perhaps more than any other has set out the proper functions of the courts in relation to Parliament. In his Reith lecture, he said:

“It is the proper function of the Courts to stop governments exceeding or abusing their legal powers.”

That is absolutely what JR should be, but I fear that it is being compromised by the changes that are taking place as a result of judicial activism. So, mindful of the Attorney General's advice on this and of the fact that the Government clearly are in tune with that advice—otherwise, they would not have introduced this Bill in the first place—I urge them to accept the amendments, in order to make this Bill be as good as it can be. Rather than waiting for another bus to come along, we should get on this one and get to the destination we all seek.

Anne McLaughlin (Glasgow North East) (SNP): Much of this Bill has no impact on Scotland or our separate courts and legal system, so our amendments and my comments are focused on the parts that do, which primarily deal with judicial review. The parts of the Bill I will address today are not just bad; they are unnecessary and dangerous, and they lay the groundwork for the Government to insulate themselves and future Governments from proper scrutiny and accountability. I am sure that is on their personal wish list given current events, but we ought to make policy for generations, for everyone and not for one iteration of one political party.

I sat through 11 sittings of the Public Bill Committee and waited for the Government to persuade me that, for example, removing Cart JR was necessary, but instead I heard odds and sods of anecdotal evidence, lots of legal jargon and the phrase “three bites of the cherry” a total of 62 times, with the implication that somehow those using Cart JR had greater access to justice—that simply is not true. Cart JR is not about saying, “I don't like the decision you've come to, let's try again for a different judgement.” It is about looking at the situation where, first, a serious error of law may have been committed in the first-tier tribunal, and then the upper tribunal has failed to recognise and correct the error. It could be that the first-tier tribunal failed to consider or misinterpreted the evidence, or that the facts are inconsistent with the decision, but the point is: it happens, mistakes are made and Cart JRs provide a vital safeguard to correct these errors in cases where the stakes can be incredibly high. Rather than this being a “third bite of the cherry”, the reality is that the first bite was not even a slither—a mistake was made. Mistakes do not just affect the person in question; the ramifications are wider. Similarly, Cart JRs not only give one person who has appealed the opportunity to have their case considered properly, but they catch out errors and injustices, benefiting the system as a whole. Cart JRs have been used to ensure that disabled people are given the right benefit entitlement; they have stopped people being made homeless; and they have prevented the deportation of people to countries where they faced certain death. I am currently waiting to attend a first-tier tribunal on behalf of a family member. Given my knowledge of her and of the social security system, I am 100% certain of her entitlement and equally certain it will only fail if a mistake is made when considering the evidence. If that happens, surely my family member deserves the right to have it rectified—surely everybody has that right.

The thing is: the Government know that the impact will be far greater on those who are most vulnerable. In their own impact statement for this Bill, they admit that abolishing Cart would mean that

“those who do lose out...are more likely to have particular protected characteristics, for example in respect of race and/or religion or belief.”

So anyone voting for this ought to be aware and be honest with their constituents that they are consciously voting to the detriment of their constituents with protected characteristics. It is estimated that this will save only £364,000 to £402,000 a year. That is the cost of protecting the rights of some of the most vulnerable people. It is not much to ask for, is it? Let us not pretend that this is about being prudent with the public purse after writing off £4.3 billion of fraudulent covid claims last year.

We will vote against this terrible Bill, but if it does go ahead, our amendments 42 and 43 would protect the Scottish courts and tribunals from clause 2. We in Scotland do not want it, the legal profession does not want it, the Scottish Government do not want it, and I guarantee that the people of Scotland do not want it. This Government are trying very hard to demonstrate their alleged respect for Scotland—in words if not in actions—as the Scottish Government lay the groundwork for an independence referendum; some would say, because of the independence referendum. Well, now is their chance. Now is the chance for all the parties in this

place to show Scotland just how much respect they have for our separate and distinct legal system and our right to protect it, and ourselves, from this legislation.

My final thoughts on clause 2 relate to the way in which the Government intend to make this happen—the legal framework. The Government say that the use of an ouster clause will set a precedent for removing certain cases or areas out of the scope of judicial review, but what does that mean? It means that in future they intend to cherry-pick areas that they would rather not see judicially reviewed, which sounds every bit as dangerous as it is. The rule of law and the separation of powers are hallmarks of an effective democracy; we cannot allow the Government to pick and choose where and how they face judicial scrutiny. As Liberty reminds us in its briefing, this Bill is passing through Parliament at the same time as the Police, Crime, Sentencing and Courts Bill, the Nationality and Borders Bill and the Elections Bill, to name but a few. Now more than ever, we need the ability and deserve the right to hold the Government and public bodies to account.

Clause 1, on suspended quashing orders and prospective-only remedies, does not extend to Scottish courts and will not apply directly, but it will affect UK-wide legislation to which we are all subject. It will also mean that many more people across these islands may choose Scottish courts, and while I am always happy to promote Scotland and our separate legal system, there may be a capacity issue that has not been discussed or even considered.

Along with others, I have raised the landmark Unison judicial review of 2017 a number of times. The Supreme Court agreed that the fees for access to justice via employment tribunals were unlawful, so everyone who had paid them was refunded, and the Government were no longer allowed to charge the fees from the moment of that judgment. Let us consider what would happen if the Bill were passed and if, instead of seeking a judicial review in 2017, Unison did so this year and, crucially, secured the same decision: the decision that the workers were right, and that what the Government were doing was unlawful. The difference is that if this Bill is enacted, no one initiating a judicial review will have their fees refunded and no one who has already been forced to pay up to £1,200 for an employment tribunal will be refunded either, despite the court's agreeing that they have been subject to something unlawful. Anyone subsequently requiring an employment tribunal will still have to pay the unlawful fees, and in the meantime the Government will be able to tweak the legislation and make the unlawful lawful. Who would or could go to the expense and trouble of seeking a judicial review given the prospect of no remedy, no justice, and no change in their or anyone else's situation?

The delaying of a quashing order is, in certain circumstances, the appropriate path to follow, and that is why the courts already have that option. The issue is that it is currently an option, and the clause seeks to make it a presumption. The Independent Review of Administrative Law, which has been largely ignored in respect of its recommendations for judicial review, suggested that “giving courts the option” was enough, but here we see the Government determined to fetter judicial discretion and tie the hands of judges. Our amendment would ensure that it would once more be the case that judges “may” rather than “must” use such delays, and if the

Government continue to argue that they are not trying to tie the hands of the judges, they will surely support it tonight.

Madam Deputy Speaker (Dame Rosie Winterton): I call Helen Morgan to make her maiden speech.

Helen Morgan (North Shropshire) (LD): I am humbled today to be standing in this historic Chamber representing the people of North Shropshire. Those who have visited will know that it is a large and beautiful landscape populated with pretty market towns and villages and with a long and fascinating history.

I would like to start by thanking my predecessor, Owen Paterson, for almost a quarter of a century of service to the people of North Shropshire and, in particular, for his recent campaign and charitable work for suicide prevention.

It is impossible to visit North Shropshire without being taken back in time. An iron-age fort at Oswestry starts the story, as the first settlers here pioneered the farming industry that underpins the local economy to this day. In Welsh, the site is known as *Caer Ogyrfan*, meaning “City of Gogyrfan”, the father of Guinevere in Arthurian legend. The intertwined story of North Shropshire and British politics may have begun there.

The next step in our history is at Whitechurch, an important staging post on the Roman road to Chester. It takes its modern name from St Alkmund's church, originally built with white sandstone quarried in the south of the constituency at Grinshill. And here the association continues—this fine white sandstone was also used to make the lintels and door surround of No. 10 Downing Street. I am sure the Prime Minister will be reminded of the beautiful constituency of North Shropshire each time he passes through that iconic entrance.

In the medieval period, Ellesmere's great castle was taken by Llywelyn the Great, not to be reclaimed by the English until after his death. Its remains are now largely confined to the earthworks they were built on, but luckily, the fortifications at Whittington and Moreton Corbet still bear testament to the turbulence of life in the marches of the medieval kingdom.

Internal strife has played its part as well—in the early stages of the wars of the roses, the Yorkist army thundered past Market Drayton and through North Shropshire, eager to link up with reinforcements in Ludlow after its victory at nearby Blore Heath.

In the civil war, the residents of Wem, the town closest to my home, proved that the communities of North Shropshire are not just decent and resilient, but occasionally radical. It was the first town in Shropshire to declare for the parliamentarians in the civil war. The troops garrisoned in the town had not completed their wooden defences and had only 40 musketeers to hold their position in 1643 when the royalist army approached. The royalists, complacent and confident of victory, approached from Souldon to the east, but legend has it that the women of Wem rallied to the parliamentary cause and the garrison held. So it seems that while I am the first woman to represent this area in Parliament, I am continuing a fine tradition of women in North Shropshire defending our democracy.

[Helen Morgan]

I am reminded of the brave women of Wem when I consider the impact of this Bill. I am sure that colleagues on both sides of this House would agree that our democracy, which has evolved over hundreds of years, and since the 17th century largely peacefully, should be protected at all costs. Fundamental to that democracy is that the rule of law is upheld without fear or favour, but this Bill seeks to undermine that principle. It will limit the ability of ordinary people to hold this Government to account through the courts.

Judicial review is working well. It is a powerful tool for individuals to enforce their rights and stop Governments from overstepping their powers. Abolishing Cart judicial review, for example, would remove a safeguard when tribunals make mistakes in cases where the stakes are often extremely high for the people involved. It is completely unjustified and a backward step. That is why my Liberal Democrat colleagues and I are supporting amendment 5 in the name of my hon. Friend the Member for Bath (Wera Hobhouse).

Threatening to weaken the people's ability to challenge the Government because the courts sometimes rule against them is the act of dictators and despots, not democrats. The best way for a Government to avoid that situation is to ensure that they act lawfully in the first place, not legislate to ensure that there is one rule for the citizens of this country and another for its leaders. The circumstances of my election suggest that the majority of voters in North Shropshire would agree.

As their representative on these green Benches and in the home of democracy, I will always defend their democratic rights and listen to their concerns, regardless of the candidate for whom their vote was cast. I will not give up on the fight for the issues that matter most to them: better access to health and ambulance services, a fair deal for our farming community, and proper provision of infrastructure and public services in rural areas. I very much look forward to working with my colleagues on both sides of this House to achieve that.

Madam Deputy Speaker (Dame Rosie Winterton): I congratulate the hon. Lady on her maiden speech; she is clearly going to be a very lively contributor to our debates.

In order to ensure that we fit everybody in, I will have to reduce the time limit to six minutes. I call Paula Barker.

Paula Barker (Liverpool, Wavertree) (Lab): I would like to congratulate the hon. Member for North Shropshire (Helen Morgan) on her wonderful maiden speech and welcome her to her seat in this place. She talked about this historic Chamber, but of course she herself has made history by being the first Lib Dem and the first female MP in that seat. I wish her all the very best in her endeavours to represent her constituents.

3.15 pm

Opposition Members have studied this Bill closely. There are currently many Bills on the Government's legislative agenda that give much cause for concern. This Judicial Review and Courts Bill may not occupy as high a profile as others, but nevertheless there is much in it that I and other Opposition Members want to see significantly amended. I fear that this Government's

mantra of obsessing over costs and superficially driving for efficiencies will negatively impact the judicial process. Of course, this may be politically expedient for the Executive, who have demonstrated time and again their desire to avoid accountability, but we cannot do justice on the cheap. The consequences for ordinary people for the processes that deliver just outcomes will be grave.

I want to place on record my support for two significant amendments. First, those on my own party's Front Bench are right to support amendment 23, which would remove clause 1 from the Bill entirely. Quashing orders are a powerful tool for ensuring that unlawful Government decisions can be overturned and that those who have suffered the consequences of unlawfulness can obtain real redress. There are already limitations on a court's ability to grant a quashing order, but I suspect the Government know that. To tip the scales even further in favour of the Executive is wholly wrong.

I also want to voice my support for amendment 5, tabled by our Liberal Democrat colleagues, which would remove clause 2 from the Bill. It is essential that we preserve the ability of claimants to seek judicial review of a decision made by the upper tribunal. The Supreme Court recognises that some overall supervision of the decisions of the upper tribunal safeguards against the risk that errors of law of real significance could slip through the system. Doing away with Cart judicial review runs the risk of us getting things wrong on matters of life and death. No matter how infrequently decisions are overturned, a safety net that is rarely used is still a safety net. In the words of Lord John Dyson:

"In asylum cases, fundamental human rights are in play, often including the right to life and the right not to be subjected to torture."

Organisations such as the Public Law Project are clear that Cart judicial review represents excellent value for money, despite the Government's shallow arguments around cost. According to the Public Law Project, the total cost saved by abolishing the Cart jurisdiction is estimated at between £364,000 and £402,000 a year. Usefully, it has also provided context, telling us that this is less than the amount the Department for Digital, Culture, Media and Sport spent on its art collection in 2019-20.

Part 1 of the Bill represents a very real degradation of the right of citizens and organisations to hold the Executive to account. The last thing our state needs, not least during this time, is to have fewer safeguards in place, especially in the area of justice, with the likes of the Home Office currently pursuing a nonsensical approach to asylum that plays only to the court of political opinion and not to the fundamentals of human rights.

Several of the new clauses have my wholehearted support, particularly new clauses 2 and 4. We will be discussing new clause 2 in the next debate. It goes without saying that, as a Liverpool MP, I enthusiastically support new clause 4. Going up against the establishment is extremely daunting for ordinary working people, even when the gravest of wrongs have been committed, sometimes by institutions that are funded by—and should be accountable to—the public. When looking at legislative matters relating to justice, we must always make justice accessible so that justice can be done, and done in a timely manner. Public institutions cannot rely on their

vastly greater resources to deny justice and closure to those who simply seek a level playing field. New clause 4 would rectify that.

There is a lot of bad in this Bill as it stands, and a lot not that is not yet in it. The Government must not be partisan when it comes to justice. Right and wrong supersede political alliances. For that reason, the Government should take seriously many of the amendments before us today.

Joanna Cherry (Edinburgh South West) (SNP): I commend the hon. Member for North Shropshire (Helen Morgan) for her excellent maiden speech, and for her excellent and pretty amazing by-election victory.

I rise to speak to amendments 1 to 3, 5 and 37, which stand in my name and those of other hon. Members. My sponsorship of these amendments arises from the legislative scrutiny of the Bill conducted by the Joint Committee on Human Rights. The Mother of the House, the right hon. and learned Member for Camberwell and Peckham (Ms Harman), who is the Chair of the Committee and who would normally speak to these amendments, cannot be here today because of her bereavement. I extend my deepest sympathies to her and her family, and I pay tribute to her late husband, the former Member for Birmingham, Erdington, who was a widely respected and loved man.

I remind hon. Members that the Joint Committee is a cross-party Committee, with half its members from the Commons and half from the other place, and we undertake legislative scrutiny of all Bills for their human rights implications. We have taken evidence from a number of people on this Bill, and we have been advised by our own legal experts. On 7 December last year we published a report, which was unanimous, so it had cross-party support from across both Houses. We concluded that if clause 1 were enacted, it would

“not guarantee that an individual would receive an effective remedy for a violation of their human rights.”

We recommended that the Government remove the requirement in the clause

“as it amounts to an unnecessary...intrusion into judicial remedial discretion.”

As I say, that is an informed view reached on a cross-party basis after taking evidence, and that would be the effect of amendments 1 to 3 if they were passed.

If amendments 1 to 3 are not passed, there is a fall-back position. We also recommended that the Bill be amended so that the courts would have to have regard to the convention rights of any person who would be affected by such a decision and the duty to provide an effective remedy for a human rights violation under article 13. That would mean that when courts decide to make a quashing order with suspended or prospective-only effects, convention rights would be required to be taken into account. That would be the effect of amendment 37, which I reiterate that we see as a fall-back if amendments 1 to 3 are not passed.

I turn to clause 2. The Joint Committee shares the view articulated by my hon. Friend the Member for Glasgow North East (Anne McLaughlin) about Cart judicial reviews. We reached the conclusion that judicial supervision of the upper tribunal protects against legal error. Only a small proportion of Cart judicial review applications are successful, but in some of them, individuals

could be prevented from being wrongly removed from the United Kingdom to face the most heinous human rights violations in other countries.

We said that rather than taking a hammer to crack a nut in that way, the Government should

“introduce procedural reforms, such as changes to the time-limits for bringing Cart judicial review, and assess their impact, before pursuing the ‘nuclear option’ of ousting judicial review from Cart cases.”

We also said that

“every effort must be made”

to ensure that the initial decision-makers and the first-tier tribunal

“make the best possible decisions when cases are before them”.

That would limit the need for asylum seekers to rely on a third opportunity to have their application for permission to appeal considered, and it would be the effect of amendment 5.

Generally on ouster clauses, which other hon. Members have spoken about this afternoon, the Joint Committee on Human Rights said in our report:

“We are concerned by the Government’s indication that the ouster clause designed to reverse Cart will be replicated in other legislation”.

Clearly, we are concerned about the possibility of undermining the rule of law, which is essential for the protection and enforcement of human rights.

Before I sit down, I want to give my personal support to the amendments tabled on behalf of the Scottish National party, and to reiterate what I said on Second Reading. It is not constitutionally appropriate for the exclusion of review of upper tribunal permission to appeal decisions to extend to Scotland. The Under-Secretary of State for Justice, the hon. Member for South Suffolk (James Cartlidge), who is in his place, has conceded to me in a letter dated 10 November that clause 2 will alter the jurisdiction of the Court of Session. It is not for this place to alter the jurisdiction of the Court of Session—that is a contravention of not just the devolved settlement, but article 19 of the Act of Union.

The Minister will say, “Oh no—it is not a contravention of article 19 because it’s a regulation for the better administration of justice.” I am sorry, but in Scotland we do not see regulations that circumscribe the availability of justice to individual members of the public as something for the better administration of justice. The Law Society of Scotland has been clear that a legislative consent motion is required; none has been sought, and none would be granted for an interference with the jurisdiction of the Court of Session.

Finally, as I said on Second Reading, there is no evidence base for there being any mischief in Scotland in relation to Cart judicial review; we actually call it Eba judicial review because of our case. The evidence base that the Government presented was completely confined to cases in England. If clause 2 passes, that will just be another example of this Government overriding the devolved settlement, undermining the Union. Please, Minister, leave Scotland’s legal system to Scotland’s Parliament, where it belongs.

Janet Daby (Lewisham East) (Lab): There has been a lot of turmoil on the Government Benches over the past few weeks—partygate, allegations of blackmail and now Islamophobia. But one thing remains consistent and there is one thing we can count on: the Government have their eyes set on authoritarian rule.

[Janet Daby]

Just look at the recent legislation brought before this House. The Nationality and Borders Bill grants the Government power to strip citizenship without notice. The Elections Bill imposes mandatory voter ID, discriminating against deprived and disadvantaged communities. The Police, Crime, Sentencing and Courts Bill gives the Government the ability to suppress protest that they deem too noisy.

The Government's own manifesto promised to protect the individual from an overbearing state, yet this Bill does the opposite, fortifying the Government's power grab. Judicial review enables individuals to challenge the legality of decisions made by public bodies. It ensures that decisions are made in the right way. When honoured, it is a vital process in checking the power of the Government and it is often the sole key to justice for the most vulnerable.

Without judicial review as it stands, EU citizens would have been deported for rough sleeping, innocent NHS staff would have lost their pensions and a child's cardiac surgery clinic would have been unlawfully shut down. But instead of strengthening judicial review, this Bill strangles it.

Clause 1 incentivises the use of prospective-only quashing orders. That would mean that when a judge overturned a decision that they deemed illegal, justice would be available only for subsequent claims going forward. The judgment would no longer be retrospective. Past victims hurt by illegal decisions would receive no compensation. That does not sound fair or right to me. This measure hollows out the power of judicial review and inevitably means that more justice will be left unaddressed. In fact, as the right hon. Member for Haltemprice and Howden (Mr Davis) said, the proposals

"tip the scales of law in favour of the powerful."

Is that not the story of this Government—more money for the wealthy and powerful and an absent hand for those who need it the most? The whole point of a democracy is that the state should not be able to steamroll its citizens, particularly the most vulnerable.

Madam Deputy Speaker (Dame Rosie Winterton): Just a little reminder: it is important to refer to the amendments as well as the clauses in the Bill, as we are at that stage of the proceedings.

Wera Hobhouse (Bath) (LD): I take this opportunity to welcome my new colleague, my hon. Friend the Member for North Shropshire (Helen Morgan), to these Benches. I congratulate her on the excellent speech she made today.

I rise to speak to the Liberal Democrat amendments 1 to 5. The Government claim that the Bill will ensure that judicial review is available to protect the rights of individuals against an overbearing state, but it will have quite the opposite effect. As Amnesty International and others have pointed out, the Bill will tie the hands of the judiciary in respect of what remedies they can order when public authorities act unlawfully. It will weaken the courts' ability to ensure that justice is done and that human rights violations are remedied.

3.30 pm

Judicial review is a powerful tool for people to enforce their rights and is often used by the most vulnerable when no other form of legal redress is available. Clause 1 introduces prospective-only remedies in judicial review, which could be hugely harmful for those seeking justice and is opposed by the Law Society, JUSTICE, the Public Law Project and Liberty. It would not only deny redress to someone who has been harmed by unlawful action by a public body, but actively serve as a disincentive to those seeking justice through judicial review.

Let us imagine a person who has been incorrectly deemed ineligible for welfare benefits who has successfully challenged that decision through judicial review. A prospective-only remedy would mean that they would not receive the back payments that were unlawfully denied to them. They would not receive justice, which should never be the outcome of our judicial system.

Prospective-only remedies would also have a damaging effect on good governance. As Liberty rightly says:

"Being able to challenge those in power when they get things wrong is at the heart of our democracy."

If public bodies are spared the risk of retrospective legal consequences, the motivation for good decision making is lower. I urge hon. Members to support amendments 1 to 4, which would remove that damaging aspect of the Bill.

Clause 2 is particularly concerning, because it would permit the courts to abolish Cart judicial reviews, as we have already heard this afternoon, which removes a vital safeguard in situations where tribunals make mistakes. The vast majority—92%—of Cart judicial reviews are immigration and asylum cases, and many of the remaining cases concern access to benefits for disabled people and those facing destitution. In all those situations, the stakes are incredibly high for the people involved.

Cart judicial reviews are not about having a third bite at the cherry, as many Conservative Members have claimed—far from it. They are granted only in situations where the claimant was never given a proper first bite, when a serious error of law was committed in the first tier tribunal and not corrected by the upper tribunal. There can be no justification for abolishing them and amendment 5 removes the provision from the Bill completely. I urge hon. Members to back it.

I will quickly touch on the clauses that introduce the automatic online conviction and standard statutory penalty. Liberal Democrats support the aim of reducing backlogs but, as JUSTICE argues, there are better ways of deploying technology in the criminal justice system. We therefore need an independent review of the likely impacts of the AOCSSP before it is introduced. Elements of the Bill are hugely concerning. I hope that through these amendments, we can remove its most damaging provisions.

I warned on Second Reading that the Bill is, by the Government's own admission, the thin end of the wedge that opens the door to more restrictions on judicial review in future. New clauses 8 and 9 in the name of the right hon. Member for South Holland and The Deepings (Sir John Hayes) show what the thick end of the wedge would look like. We oppose those new clauses, which would make the Government's bad Bill even worse.

This is just another Bill in the Government's programme of constitutional reform that weakens the institutions and rights that hold the powerful to account. The Police, Crime, Sentencing and Courts Bill attempts to restrict the right to peaceful protest and the Elections Bill disenfranchises thousands of people from marginalised backgrounds in the name of preventing voter fraud, when there is no evidence of that happening on a large scale. That is not to mention the Government's contempt for the Human Rights Act. Nobody, not even Governments, is above the law. The Liberal Democrats will continue to stand against any attempt to weaken the institutions and rights that hold the powerful to account.

Apsana Begum (Poplar and Limehouse) (Lab): I rise to speak to a number of amendments and new clauses, in particular new clause 4, which corresponds with the commitment in the 2019 Labour manifesto to ensure legal aid for inquests into deaths in state custody—a commitment first announced in February 2019 by my hon. Friend the Member for Leeds East (Richard Burgon) in his former role. Closely linked are new clauses 5 and 6, which I also want to mention. The justice charity Inquest has been campaigning for decades for bereaved families to be granted automatic non-means-tested funding for legal representation following state-related deaths.

I support amendments 1, 2, 3 and 23, which are about removing the provision to make quashing orders suspended and prospective only. I place on the record my strong opposition to the removal of Cart judicial review and, as such, I support amendment 5 to delete clause 2 entirely. Amendment 25 speaks to the problem that campaigners have with the prospective-only remedies that the Government are proposing, in that they leave many successful claimants with no effective remedy. On amendments 27 to 30, I agree with Liberty, who argue that, although it supports the amendments, the very fact that so many changes are required to mitigate the harm of the provisions, alongside the lack of any need for their introduction, shows they would be better off discarded altogether.

That brings me to the thread that runs through the amendments, and the crux of the dangers of the Bill as a whole. The legislation before the House today removes vital safeguards that protect often marginalised people, especially migrants, from mistakes being made by public bodies—mistakes that could have a catastrophic impact on their lives. I want to highlight an example of what I understand that to mean and to flesh out one of the many human consequences at stake by talking about disability benefits.

Around four out of five cases where a claimant has been denied disability benefits are overturned on appeal. Why? As we know, serious concerns have been raised about the key measures introduced in the Welfare Reform Act 2012—the replacement of the disability living allowance with the personal independence payment, a new sanctions regime and new assessment processes for employment and support allowance. Even a United Nations inquiry said there were “grave or systemic violations” of the rights of disabled people, in reports to the Information Commissioner concerning the deaths of claimants following their work capability assessment finding them fit for work.

It has been clear for many years that the assessments in particular are not fit for purpose and in many cases are actively harmful to the people who are subjected to

them. In some cases, a decision not to award a PIP has been overturned by a tribunal after it had taken account of medical evidence from doctors about the claimant's condition that had been ignored by officials during the initial assessment.

I am conscious that each of the many thousands of incorrect decisions about what support a disabled person should be getting causes real suffering to that person and to their family and friends. I support the growing calls for an independent inquiry to investigate why claimant deaths are happening, and for the scale of such deaths to be properly understood. The Conservative austerity program of cutting costs through so-called welfare reform has been brutal. We need to scrap the dehumanising work capability and PIP assessments and pursue the social model of disability, removing the barriers constructed by society and ensuring that disabled people can participate fully and equally in our society.

During the covid-19 pandemic we have seen further failures in providing proper financial and practical support to disabled people and their families, which have led to many being denied the support needed. The Government's strategy in responding to the pandemic has led to many thousands of avoidable deaths, and it is important to recognise that disabled people form a large proportion of those deaths. Yet, perversely, and with a heartless callousness that is breath-taking, the Government's answer is not to address the widely recognised abomination that is their treatment of people with disabilities, but to seek to further attack their rights—to obscure scrutiny, truth, and justice.

It is no coincidence that as the Government look to water down people's power to challenge the state, a number of groups are using that power to hold them accountable. Indeed, a host of high-profile court cases, on disability rights, as I have addressed in my comments today, to police violence and climate change, are seeking to challenge the Government's decisions. I wonder whose side history will come down on in the end—those who challenge injustice and power, or the perpetrators of injustice and power seeking to avoid accountability? We will resist this Government's attacks on our communities and our rights, and we will overcome.

Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): May I start by picking up a point that the hon. Member for North Shropshire (Helen Morgan) made in her excellent maiden speech, on which I congratulate her? If nothing else, recent events reassure us that our constituents quite rightly do not like the Prime Minister, the Government or any public authority operating as if they were above the law or as if the rules that we all have to follow do not apply to them.

Although the Bill may not attract as many headlines as the various partygate stories, it raises the same issues, but in a much broader and more profound way. The Conservative Government are once again trying to put themselves above the law and make sure that basic principles of administrative law and rules passed by this Parliament do not constrain them. That will be the impact of the first two clauses, so I fully support all the amendments that seek to leave out or ameliorate them. I adopt all the arguments that my hon. Friend the Member for Glasgow North East (Anne McLaughlin) and all Opposition MPs have put forward today.

[Stuart C. McDonald]

I would like to take on the argument made by the Attorney General and others that the Bill is about parliamentary sovereignty, as troubling and overrated a concept as that is. The Bill does not assert the sovereignty of Parliament; it promotes untrammelled Executive authority. It is not about ensuring that Parliament's will is respected, but about Government and public authorities being able to exceed or ignore the rules and restrictions that Parliament has placed on them. For us to vote for the Bill would be not so much an exercise of parliamentary sovereignty as an exercise in parliamentary stupidity, inviting the Government to ignore the limits we place on them and helping to exacerbate what Lord Hailsham called elective dictatorship.

My main point relates to Scotland and to amendments 42 and 43, which I support. To build on points made by my hon. and learned Friend the Member for Edinburgh South West (Joanna Cherry), it is absolutely not for this Parliament to impose clause 2 and changes to Cart and Eba judicial reviews on Scotland's legal system. As the independent review of administrative law made clear, judicial review is a devolved matter. The review's report was absolutely clear that it would be for the institutions of devolved government to decide whether to follow its recommendations. Without exception, every single submission from a devolved jurisdiction was opposed to, or at least not persuaded of, the need for reform.

Scotland has undertaken its own reform of judicial review in recent years. For this Parliament to interfere with it risks setting up two parallel systems of review in our jurisdiction, whereby someone challenging a devolved social security decision might face totally different obstacles from someone challenging a reserved social security decision. Again, the independent review was clear, describing such a two-tier system as "highly undesirable". As my hon. and learned Friend alluded to, the analysis of judicial review in Scotland in the review is limited, as its authors acknowledge, but none of the overall judicial review figures cited—less than 400 cases commenced each year, of which less than 50 make it to a hearing, with 30% successful—justifies these rather obnoxious proposals.

The Joint Committee on Human Rights and the Law Society of Scotland have both concluded that there is "no evidence" of any problem in Scotland that needs this Government to interfere. They, too, confirm that this is a devolved issue. In its briefing on the Bill as long ago as Second Reading, the Law Society of Scotland set out that, unusually, there are two grounds for arguing that the Government should not bulldoze these provisions through: not only are they legislating on a devolved matter, Scots private law, but they are narrowing the competence of the Scottish Parliament because clause 2 creates a rule special to a reserved matter and the Scottish Parliament does not have the competence to abolish or modify such a rule. It is a double whammy.

Indeed, for reasons that my hon. and learned Friend set out, it is a triple whammy. As was pointed out to the Government review panel, the Scottish competence of judicial review derives from article XIX of the Acts of Union of 1706 and 1707. The Law Society of Scotland warned the panel that

"care always has to be taken so as not to render the Court's—the Court of Session's—
"jurisdiction in judicial review ineffective",

and that if reforms in the area go too far, they may
"be in breach of the Acts of Union".

I object to the whole purpose of part 1 of the Bill, but even if the Government insist on pressing ahead, the overwhelming view from Scotland is "Get your hands off our judicial review laws." That is why everybody in this House should support amendments 42 and 43.

The Parliamentary Under-Secretary of State for Justice (James Cartlidge): I am grateful to all Members who have contributed to the debate so far. In particular, I congratulate the hon. Member for North Shropshire (Helen Morgan) on an excellent maiden speech. I know that part of the country well and she described it aptly: it is both historic and beautiful. I wish her well in the months ahead.

3.45 pm

Let me turn to the amendments, of which there are a great many so I shall have to try to canter to some degree. I shall start with new clauses 4 and 5, on coroners inquests. As Members will know, and as I set out in Committee, I am sympathetic to the difficulties that face all bereaved families, and the Government believe that affected families should be at the heart of any inquest process that follows. The coroner's investigation, including the inquest, is an inquisitorial fact-finding process—a narrow-scope inquiry to determine who the deceased was and how, when and where they died. That means that for the vast majority of inquests, legal representation and legal aid are not necessary.

New clause 4 seeks to expand access to legal aid at inquests, which would run counter to the approach I just set out. There is a risk that having additional lawyers at an inquest will not provide an overall improvement for the bereaved and could have the unintended consequence of turning an inquisitorial event into a complex defensive case, thereby prolonging the distress of a bereaved family.

On new clause 5, legal help for advice and assistance in relation to inquests is already within the scope of legal aid, and the Legal Aid Agency already has the discretion to waive the eligibility limits if it considers it equitable to do so.

On new clause 6, for bereaved families who need legal help, advice and assistance is already available under the legal aid scheme, subject to a means-and-merits test. That provision includes relatives by marriage or civil partnership, cohabitants and those who have parental responsibility.

In respect of the new clauses, which relate to important areas of law, I stress that the Government have been working on several measures to make inquests more sympathetic to the needs of bereaved people. So far we have engaged with the Chief Coroner on training for coroners and their investigating officers; we have published new guidance on coroner services for bereaved people; we have developed a protocol that, among other matters, ensures that when the state is represented it will consider the number of lawyers instructed so as to support an inquisitorial approach; and, building on the protocol, we have supported the legal services regulators—the Bar Standards Board and the Solicitors Regulation Authority—in their work to develop inquest-specific information to guide lawyers who represent at inquests.

As I said, for bereaved families who do need legal help, advice and assistance is always available under the legal aid scheme, subject to a means-and-merits test. For legal representation at an inquest, legal aid may be available under the exceptional case funding scheme if certain criteria are met. The Government are of the view that when those criteria are met, the process should be as straightforward as possible, not least given the stressful circumstances that bereaved families face. With that in mind, as of last month there is no means test for an exceptional case funding application in relation to representation at an inquest, or for legal help at an inquest if representation is granted.

We are also carrying out a review of the legal aid means test as a whole, and that review will be published shortly. Given the ongoing work that the Government are undertaking to support the bereaved at inquests, I urge the hon. Member for Hammersmith (Andy Slaughter) to withdraw the new clauses.

Let me turn to the important matters of judicial review. I agree with the sentiment behind amendment 30: judicial review is indeed an integral part of the UK's constitution and no Government of any colour should seek to make changes to the way the law on judicial review operates in a way that is unnecessary or disproportionate. However, I assure the House that nothing in the Bill limits judicial review in such a way and the amendment is unnecessary.

Debbie Abrahams (Oldham East and Saddleworth) (Lab): Will the Minister comment on the assessment that the judicial review on the shortages of personal protective equipment for health workers would not have taken place had this legislation been in place?

James Cartlidge: The point is that these matters are entirely for our independent judiciary. The judiciary will make the judgment on whether the powers in the Bill should be used. I would not want to speculate on whether they would have been used in individual cases; that is not my role as a Minister. We have to have faith in how the judiciary will deploy what are, after all, new flexibilities—as we say, new tools in the judicial toolbox.

Let me move on to the new clauses tabled by my right hon. Friend the Member for South Holland and The Deepings (Sir John Hayes). New clause 8 seeks to re-establish the ouster clause, in response to a 2019 Supreme Court judgment that asserted that certain decisions of the investigatory powers tribunal would not be subject to judicial review by the High Court. My right hon. Friend knows that we are sympathetic to and see merit in what he says, but we think this is not the right Bill or time, given the complexity involved. We want to look into the matter further, though. I was pleased to discuss it with my right hon. Friend in Committee and would be pleased to meet him further.

Sir John Hayes: There are two new clauses, and I am sure the Minister is going to deal with the second one, but the issue of evidence is particularly important, as he will know. Allowing cross-examination on the introduction of new material that was not pertinent to the original decision is not about checking matters of law, but about rehearsing matters of fact and perhaps even going on a fishing expedition for new facts. On investigatory powers, he knows how important it is that the tradition maintained for 19 years is maintained and that the courts simply do not get involved in those matters.

James Cartlidge: My right hon. Friend makes his point, but given what happened with the Supreme Court, I am sure he would agree that, if we did legislate, we would have to get it right. We feel we want to take our time and ensure that that is the case, but I sympathise with the broader point he makes.

On new clause 9, I would like to reassure my right hon. Friend that the Government are keen to ensure that the duty of candour is not invoked by claimants to rouse political debates or to discover extraneous information that would otherwise have been kept confidential. However, we are not entirely persuaded that primary legislation is the best way of tackling any issues that there might be. As we have said, we are attracted to the independent review's recommendation that, should it be necessary, the issue could be addressed through changes to the Treasury Solicitor's guidance. Although that is of course a matter for the Treasury Solicitor, the advantage of using guidance to address some of the issues that have occurred with the duty of candour in the past is that it can be more flexible and dynamic than legislation. On that basis, I am afraid I cannot accept my right hon. Friend's new clause, but, as I say, we do see merit in what he says.

Turning to amendment 23, which seeks to remove clause 1 of the Bill, the intention behind clause 1 is to address the very practical issues of the courts currently not having sufficient flexibility in deciding on remedies in judicial review. To remove it from the Bill would be to uphold the unsatisfactory status quo, ignoring the findings of the independent review of administrative law, and the Government fundamentally believe that that would be a mistake.

Amendment 1 and amendments 2 and 3, which are consequential on amendment 1, would remove one of the new tools we are proposing—namely, prospective-only quashing or quashing with limited retrospective effect. Let me remind the House of an example I have used previously of a real situation where the existence of the remedy could have been useful. It occurred when Natural England, in response to a threatened judicial review, decided to revoke general licences enabling farmers, landowners and gamekeepers to shoot pest birds. The revocation created immediate chaos for licence holders. I do not seek to re-litigate this case in the Chamber, but as I have said before, had the proposed remedies been available, Natural England may have been more willing to contest the judicial review, knowing that even if the existing licensing scheme was found to be unlawful, the court had the ability to protect past reliance on old licences. Such cases provide a tangible example of how more flexible remedies will allow courts to respond pragmatically and assist our constituents, rather than detract from their interests.

Amendment 31 would remove the ability of a court to make a suspended or prospective-only quashing order subject to conditions, and the ability for courts to give conditions can be important and is not unusual.

Amendments 4, 27, 38 and 25 all seek to remove or weaken the presumption in some way. Characterising the presumption as seeking to control the courts or remove their discretion is misleading, as I said back in Committee. My view is that including the presumption, combined with the list of factors in clause 1(8), will make the decision-making process consistent and

[James Cartlidge]

thorough. That will assist in the speedy development of jurisprudence on the use of the new remedies, which has to be in the interests of justice for all the parties.

Amendments 28, 32, 33 and 35 all relate to the factors courts must consider in applying these new remedies. I would like to reiterate that the list of factors is there as a useful guide to the courts when considering the new remedies. It will help the jurisprudence to develop in a consistent manner. It is a non-exhaustive list, and not every factor will be relevant in every case. We trust the courts will understand that and apply the factors appropriately.

Turning to the remaining amendments to clause 1, amendment 34 proposes that there should be a specific requirement for a court to consider the effect these new remedial powers have on a claimant receiving a timely remedy. In fact, subsection (8)(c) already requires the courts to take into account the interest or expectations of those people who would benefit from a quashing, and I would submit that includes considering timeliness. Likewise, on amendment 24, the protections built into clause 1 mitigate the risk of a court being compelled to use the new quashing order powers where to do so would be against the interests of justice. Subsection (9)(b) of proposed new section 29A of the Senior Courts Act 1981 makes it clear that the court is only obliged to use the new modified quashing orders where it

“would, as a matter of substance, offer adequate redress in relation to the relevant defect”,

and is not obliged to use them where

“it sees good reason not to do so.”

I submit that the concerns raised in amendment 26 are already mitigated by the drafting of the provision. The list of factors includes

“the interests or expectations of persons who would benefit from the quashing”

and

“any other matter that appears to the court to be relevant.”

Additionally, having considered those factors, the court can add any conditions to the quashing order. It could be, for instance, that the Government do not take any further action to enforce the unlawful decision.

Amendment 29 seeks to clarify that the principle of good administration includes the need for administration to be lawful. We would have thought that that was fairly obvious, and should always be the case.

Amendment 37 seeks to ensure that the courts take into account affected people’s rights under the European convention on human rights, including the right to an effective remedy under article 13 of that convention. I would argue that the requirement in the Bill for the courts to have regard to the interests or expectations of persons who would benefit from the quashing of the impugned act would include having regard to any remedy and its appropriateness.

I now turn to clause 2, and amendment 5 which seeks to remove clause 2 from the Bill. I remind the House of the arguments that I made in support of this necessary and proportionate measure in Committee. First, the Cart JR route essentially equates to a third bite at the cherry—a phrase that we probably have overused, but which I think to the uninitiated explains it very well—after

both the first-tier tribunal and the upper tribunal have refused permission to appeal. Secondly, it is the Government’s responsibility to ensure that judicial resource is efficiently distributed. The success rate of Cart JRs is very low—around 3.4%, compared with 30% to 50% for other judicial review cases—indicating that it may not be the best use of judicial time.

Wera Hobhouse: Will the Minister accept that it is often a matter of life and death, and that therefore his argument does not really stick?

James Cartlidge: Those matters should be determined with—I hate the phrase—two bites at the cherry, which is common across most areas of law. That is perfectly adequate. The process takes up 180 days of High Court judges’ time on case with almost no chance of success. High Court judges’ time, in the context of the backlog we have, is very precious indeed.

I now turn to the amendments 43 and 42, tabled by the hon. Member for Glasgow North East (Anne McLaughlin). Just to be clear, the unified tribunal system, created by the Tribunals, Courts and Enforcement Act 2007, is a reserved matter where it relates to matters of reserved policy. The measures on Cart and, particularly in relation to Scotland, the Eba case will apply to the unified tribunal system within the UK, but it will not apply to matters heard that would fall inside the legislative competence of the Scottish Parliament and it will also not apply to devolved tribunals.

Stuart C. McDonald: Will the Minister give way?

James Cartlidge: I am sorry; I have one more important Government amendment that I wish to cover. I apologise to the hon. Gentleman.

If the measure did not extend to Scotland even on matters that are not within the legislative competence of the Scottish Parliament, that would create an inconsistency within the unified tribunal framework based purely on geography.

Finally, the group also contains Government amendment 6 to clause 2. Subsection (4) of new section 11A sets out a number of exemptions, circumstances in which the supervisory court could still review a decision of the upper tribunal to refuse permission, or leave, to appeal the decision of the first-tier tribunal. One of those exemptions, subsection (4)(c)(ii), is if the upper tribunal acts in

“fundamental breach of the principles of natural justice”.

Clarifying the meaning of the natural justice exemption is the intent of the amendment. The Government accept that the meaning of natural justice is currently established in case law and relates to procedural impropriety. However, the understanding of the term has developed over time through common law and could develop further in the future.

As our intention is for substantive procedural errors to remain reviewable but errors of fact or law to be ousted, it is the Government’s view that the wording would be clearer if the amendment referred to procedure in the context of natural justice. That is not a change of policy; it is how the Government, and I am sure the majority of right hon. and hon. Members present, understood the clause during our previous debates and

votes. However, this clarification should confirm to the courts exactly how Parliament intends the ouster clause to be interpreted.

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

The House divided: Ayes 187, Noes 315.

Division No. 169]

[3.58 pm

AYES

Abbott, rh Ms Diane	Furniss, Gill
Abrahams, Debbie	Gardiner, Barry
Ali, Rushanara	Gill, Preet Kaur
Ali, Tahir	Glendon, Mary
Amesbury, Mike	Green, Kate
Anderson, Fleur	Green, Sarah
Antoniazzi, Tonia	Greenwood, Margaret
Ashworth, rh Jonathan	Griffith, Nia
Barker, Paula	Gwynne, Andrew
Begum, Apsana	Haigh, Louise
Benn, rh Hilary	Hamilton, Fabian
Betts, Mr Clive	Hanna, Claire
Bradshaw, rh Mr Ben	Hanvey, Neale
Brennan, Kevin	Harris, Carolyn
Brown, Ms Lyn	Hayes, Helen
Brown, rh Mr Nicholas	Hendry, Drew
Bryant, Chris	Hillier, Dame Meg
Buck, Ms Karen	Hobhouse, Wera
Burton, Richard	Hollern, Kate
Byrne, Ian	Hopkins, Rachel
Byrne, rh Liam	Huq, Dr Rupa
Campbell, rh Sir Alan	Hussain, Imran
Campbell, Mr Gregory	Jardine, Christine
Carden, Dan	Johnson, rh Dame Diana
Carmichael, rh Mr Alistair	Jones, Gerald
Chamberlain, Wendy	Jones, rh Mr Kevan
Champion, Sarah	Jones, Ruth
Charalambous, Bambos	Kane, Mike
Clark, Feryal	Keeley, Barbara
Cooper, Daisy	Kendall, Liz (<i>Proxy vote cast</i>
Cooper, rh Yvette	<i>by Pat McFadden</i>)
Coyle, Neil	Khan, Afzal
Creasy, Stella (<i>Proxy vote</i>	Kinnock, Stephen
<i>cast by Chris Elmore</i>)	Kyle, Peter
Cruddas, Jon	Lake, Ben
Cryer, John	Lammy, rh Mr David
Cummins, Judith	Lavery, Ian
Cunningham, Alex	Leadbeater, Kim
Daby, Janet	Lewell-Buck, Mrs Emma
Davey, rh Ed	Lewis, Clive
David, Wayne	Lloyd, Tony
Davies, Geraint	Lockhart, Carla
Davies-Jones, Alex	Long Bailey, Rebecca
De Cordova, Marsha	Lucas, Caroline
Debbonaire, Thangam	Lynch, Holly
Dhesi, Mr Tanmanjeet Singh	Madders, Justin
Docherty-Hughes, Martin	Mahmood, Mr Khalid
Dodds, Anneliese	Maskell, Rachael
Dowd, Peter	McCarthy, Kerry
Duffield, Rosie	McDonagh, Siobhain
Eagle, Maria	McDonald, Andy
Eastwood, Colum	McFadden, rh Mr Pat
Edwards, Jonathan	McGinn, Conor
Elliott, Julie	McGovern, Alison
Elmore, Chris	McKinnell, Catherine
Esterson, Bill	McMahon, Jim
Evans, Chris	McMorrin, Anna
Farron, Tim	Mearns, Ian
Farry, Stephen	Mishra, Navendu
Fletcher, Colleen	Moran, Layla
Fovargue, Yvonne	Morden, Jessica
Foxcroft, Vicky	Morgan, Helen

Morgan, Stephen
 Morris, Grahame
 Murray, Ian
 Murray, James
 Nandy, Lisa
 Nichols, Charlotte
 Norris, Alex
 Olney, Sarah
 Onwurah, Chi
 Oppong-Asare, Abena
 Osamor, Kate
 Owatemi, Taiwo
 Owen, Sarah
 Peacock, Stephanie
 Pennycook, Matthew
 Perkins, Mr Toby
 Phillips, Jess
 Phillipson, Bridget
 Pollard, Luke
 Powell, Lucy
 Rayner, rh Angela
 Reeves, Ellie
 Ribeiro-Addy, Bell
 Rimmer, Ms Marie
 Robinson, Gavin
 Rodda, Matt
 Russell-Moyle, Lloyd
 Shah, Naz
 Shannon, Jim
 Sharma, Mr Virendra
 Sheerman, Mr Barry
 Siddiq, Tulip
 Slaughter, Andy
 Smith, Alyn

Smith, Jeff
 Smith, Nick
 Smyth, Karin
 Sobel, Alex
 Spellar, rh John
 Starmer, rh Keir
 Stevens, Jo
 Stone, Jamie
 Streeter, Wes
 Stringer, Graham
 Sultana, Zarah
 Tami, rh Mark
 Tarry, Sam
 Thomas-Symonds, rh Nick
 Thornberry, rh Emily
 Timms, rh Stephen
 Twigg, Derek
 Vaz, rh Valerie
 West, Catherine
 Western, Matt
 Whitehead, Dr Alan
 Whitley, Mick
 Whittome, Nadia
 Williams, Hywel
 Wilson, Munira
 Wilson, rh Sammy
 Winter, Beth
 Wishart, Pete
 Yasin, Mohammad
 Zeichner, Daniel

Tellers for the Ayes:

Lilian Greenwood and
 Liz Twist

NOES

Adams, rh Nigel
 Afolami, Bim
 Afriyie, Adam
 Aiken, Nickie
 Aldous, Peter
 Allan, Lucy
 Anderson, Lee
 Anderson, Stuart
 Andrew, rh Stuart
 Ansell, Caroline
 Argar, Edward
 Atherton, Sarah
 Atkins, Victoria
 Bacon, Gareth
 Bacon, Mr Richard
 Badenoch, Kemi
 Bailey, Shaun
 Baillie, Siobhan
 Baker, Duncan
 Baker, Mr Steve
 Baynes, Simon
 Bell, Aaron
 Benton, Scott
 Beresford, Sir Paul
 Berry, rh Jake
 Bhatti, Saqib
 Blackman, Bob
 Blunt, Crispin
 Bottomley, Sir Peter
 Bowie, Andrew
 Bradley, Ben
 Bradley, rh Karen
 Brady, Sir Graham
 Braverman, rh Suella
 Brereton, Jack
 Bridgen, Andrew
 Brine, Steve
 Bristow, Paul
 Britcliffe, Sara
 Browne, Anthony
 Bruce, Fiona
 Buchan, Felicity
 Buckland, rh Sir Robert
 Burghart, Alex
 Burns, rh Conor
 Butler, Rob
 Cairns, rh Alun
 Carter, Andy
 Cartledge, James
 Cash, Sir William
 Cates, Miriam
 Caulfield, Maria
 Churchill, Jo
 Clark, rh Greg
 Clarke, rh Mr Simon
 Clarke-Smith, Brendan
 Clarkson, Chris
 Cleverly, rh James
 Clifton-Brown, Sir Geoffrey
 Coffey, rh Dr Thérèse
 Colburn, Elliot
 Collins, Damian
 Costa, Alberto
 Courts, Robert
 Coutinho, Claire
 Cox, rh Sir Geoffrey
 Crabb, rh Stephen
 Crosbie, Virginia
 Crouch, Tracey
 Daly, James

Davies, David T. C.
 Davies, Gareth
 Davies, Dr James
 Davies, Mims
 Davis, rh Mr David
 Davison, Dehenna
 Dinanage, Dame Caroline
 Dines, Miss Sarah
 Djanogly, Mr Jonathan
 Docherty, Leo
 Docherty-Hughes, Martin
 Donelan, rh Michelle
 Dorries, rh Ms Nadine
 Double, Steve
 Doyle-Price, Jackie
 Drax, Richard
 Drummond, Mrs Flick
 Duguid, David
 Duncan Smith, rh Sir Iain
 Dunne, rh Philip
 Eastwood, Mark
 Edwards, Ruth
 Ellis, rh Michael
 Ellwood, rh Mr Tobias
 Elphicke, Mrs Natalie
 Eustice, rh George
 Evans, Dr Luke
 Evennett, rh Sir David
 Everitt, Ben
 Farris, Laura
 Fell, Simon
 Fletcher, Katherine
 Fletcher, Mark
 Fletcher, Nick
 Ford, Vicky
 Foster, Kevin
 Fox, rh Dr Liam
 Frazer, rh Lucy
 Freeman, George
 Freer, Mike
 French, Mr Louie
 Fuller, Richard
 Fysh, Mr Marcus
 Gale, rh Sir Roger
 Garnier, Mark
 Gibb, rh Nick
 Gibson, Peter
 Gideon, Jo
 Goodwill, rh Sir Robert
 Gove, rh Michael
 Graham, Richard
 Grant, Mrs Helen
 Gray, James
 Grayling, rh Chris
 Green, Chris
 Green, rh Damian
 Griffith, Andrew
 Griffiths, Kate
 Grundy, James
 Gullis, Jonathan
 Halfon, rh Robert
 Hall, Luke
 Hammond, Stephen
 Hands, rh Greg
 Harper, rh Mr Mark
 Harris, Rebecca
 Harrison, Trudy
 Hart, Sally-Ann
 Hart, rh Simon
 Hayes, rh Sir John
 Heald, rh Sir Oliver
 Heappey, James
 Henderson, Gordon
 Hendry, Drew
 Henry, Darren
 Higginbotham, Antony
 Hinds, rh Damian
 Hoare, Simon
 Holden, Mr Richard
 Hollinrake, Kevin
 Hollobone, Mr Philip
 Holloway, Adam
 Holmes, Paul
 Howell, Paul
 Huddleston, Nigel
 Hudson, Dr Neil
 Hughes, Eddie
 Hunt, Jane
 Hunt, Tom
 Jack, rh Mr Alister
 Jayawardena, Mr Ranil
 Jenkin, Sir Bernard
 Jenkyns, Andrea
 Jenrick, rh Robert
 Johnson, rh Boris
 Johnson, Dr Caroline
 Johnson, Gareth
 Johnston, David
 Jones, Andrew
 Jones, rh Mr David
 Jones, Mr Marcus
 Jupp, Simon
 Kearns, Alicia
 Keegan, Gillian
 Knight, rh Sir Greg
 Knight, Julian
 Kruger, Danny
 Kwarteng, rh Kwasi
 Lamont, John
 Langan, Robert
 Latham, Mrs Pauline
 Leadsom, rh Dame Andrea
 Leigh, rh Sir Edward
 Lewer, Andrew
 Lewis, rh Brandon
 Lewis, rh Dr Julian
 Loder, Chris
 Logan, Mark
 Longhi, Marco
 Lopresti, Jack
 Lord, Mr Jonathan
 Loughton, Tim
 Mackinlay, Craig
 Mackrory, Cherilyn
 Maclean, Rachel
 Mak, Alan
 Malthouse, rh Kit
 Mangnall, Anthony
 Marson, Julie
 May, rh Mrs Theresa
 Mayhew, Jerome
 Maynard, Paul
 McCartney, Jason
 McCartney, Karl
 McPartland, Stephen
 Merriman, Huw
 Metcalfe, Stephen
 Millar, Robin
 Miller, rh Mrs Maria
 Milling, rh Amanda
 Mills, Nigel
 Mitchell, rh Mr Andrew
 Mohindra, Mr Gagan
 Moore, Damien

Mordaunt, rh Penny
 Morris, Anne Marie
 Morris, David
 Morris, James
 Mortimer, Jill
 Morton, Wendy
 Mullan, Dr Kieran
 Mumby-Croft, Holly
 Mundell, rh David
 Murray, Mrs Sheryll
 Murrison, rh Dr Andrew
 Nici, Lia
 Nokes, rh Caroline
 Norman, rh Jesse
 O'Brien, Neil
 Offord, Dr Matthew
 Opperman, Guy
 Parish, Neil
 Pawsey, Mark
 Penning, rh Sir Mike
 Penrose, John
 Percy, Andrew
 Philp, Chris
 Pincher, rh Christopher
 Poulter, Dr Dan
 Pow, Rebecca
 Prentis, Victoria
 Pritchard, rh Mark
 Pursglove, Tom
 Quin, Jeremy
 Quince, Will
 Randall, Tom
 Redwood, rh John
 Rees-Mogg, rh Mr Jacob
 Richards, Nicola
 Richardson, Angela
 Roberts, Rob
 Robertson, Mr Laurence
 Robinson, Mary
 Rosindell, Andrew
 Rowley, Lee
 Russell, Dean
 Rutley, David
 Sambrook, Gary
 Saxby, Selaine
 Scully, Paul
 Selous, Andrew
 Shelbrooke, rh Alec
 Simmonds, David
 Skidmore, rh Chris
 Smith, Alyn
 Smith, Chloe

Smith, Greg
 Smith, Henry
 Smith, Royston
 Spencer, Dr Ben
 Spencer, rh Mark
 Stafford, Alexander
 Stephenson, Andrew
 Stevenson, Jane
 Stevenson, John
 Stewart, rh Bob
 Stewart, Iain
 Streeter, Sir Gary
 Stride, rh Mel
 Stuart, Graham
 Sturdy, Julian
 Sunderland, James
 Swayne, rh Sir Desmond
 Syms, Sir Robert
 Thomas, Derek
 Throup, Maggie
 Timpson, Edward
 Tolhurst, Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Trevelyan, rh Anne-Marie
 Trott, Laura
 Vara, Shailesh
 Vickers, Matt
 Villiers, rh Theresa
 Walker, Sir Charles
 Wallis, Dr Jamie
 Warburton, David
 Warman, Matt
 Watling, Giles
 Webb, Suzanne
 Wheeler, Mrs Heather
 Whittaker, Craig
 Whittingdale, rh Mr John
 Wiggin, Sir Bill
 Wild, James
 Williams, Craig
 Williamson, rh Gavin
 Wishart, Pete
 Wood, Mike
 Young, Jacob
 Zahawi, rh Nadhim

Tellers for the Noes:
Amanda Solloway and
Scott Mann

Question accordingly negated.

4.13 pm

Proceedings interrupted (Programme Order, this day).

The Deputy Speaker put forthwith the Questions necessary for the disposal of the business to be concluded at that time (Standing Order No. 83E).

Clause 1

QUASHING ORDERS

Amendment proposed: 25, page 2, leave out lines 24 to 32 and insert—

“(9) Provision may only be made under subsection (1) if and to the extent that the court considers that an order making such provision would, as a matter of substance, offer an effective remedy to the claimant and any other person materially affected by the impugned act in relation to the relevant defect.”—(*Andy Slaughter.*)

This amendment would remove the presumption and make it a precondition of the court's exercise of the new remedial powers that they should offer an effective remedy to the claimant and any other person materially affected by the impugned act.

Question put, That the amendment be made.

The House divided: Ayes 228, Noes 313.

Division No. 170]

[4.14 pm

AYES

Abbott, rh Ms Diane
Abrahams, Debbie
Ali, Rushanara
Ali, Tahir
Amesbury, Mike
Anderson, Fleur
Antoniazzi, Tonia
Ashworth, rh Jonathan
Bardell, Hannah
Barker, Paula
Begum, Apsana
Benn, rh Hilary
Betts, Mr Clive
Black, Mhairi
Blackford, rh Ian
Blackman, Kirsty
Bonnar, Steven
Bradshaw, rh Mr Ben
Brennan, Kevin
Brock, Deidre
Brown, Alan
Brown, Ms Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burgon, Richard
Byrne, Ian
Byrne, rh Liam
Cameron, Dr Lisa
Campbell, rh Sir Alan
Campbell, Mr Gregory
Carden, Dan
Carmichael, rh Mr Alistair
Chamberlain, Wendy
Champion, Sarah
Chapman, Douglas
Charalambous, Bambos
Cherry, Joanna
Clark, Feryal
Cooper, Daisy
Cooper, rh Yvette
Cowan, Ronnie
Coyle, Neil
Crawley, Angela (*Proxy vote cast by Owen Thompson*)
Creasy, Stella (*Proxy vote cast by Chris Elmore*)
Cruddas, Jon
Cryer, John
Cummins, Judith
Cunningham, Alex
Daby, Janet
Davey, rh Ed
David, Wayne
Davies, Geraint
Davies-Jones, Alex
Day, Martyn
De Cordova, Marsha
Debbonaire, Thangam
Dhesi, Mr Tanmanjeet Singh
Docherty-Hughes, Martin

Dodds, Anneliese
Donaldson, rh Sir Jeffrey M.
Doogan, Dave
Dorans, Allan
Dowd, Peter
Duffield, Rosie
Eagle, Maria
Eastwood, Colum
Edwards, Jonathan
Elliott, Julie
Elmore, Chris
Esterson, Bill
Evans, Chris
Farron, Tim
Farry, Stephen
Fellows, Marion
Ferrier, Margaret
Fletcher, Colleen
Flynn, Stephen
Fovargue, Yvonne
Foxcroft, Vicky
Furniss, Gill
Gardiner, Barry
Gibson, Patricia
Gill, Preet Kaur
Glindon, Mary
Grady, Patrick
Grant, Peter
Green, Kate
Green, Sarah
Greenwood, Margaret
Griffith, Nia
Gwynne, Andrew
Haigh, Louise
Hamilton, Fabian
Hanna, Claire
Hanvey, Neale
Harris, Carolyn
Hayes, Helen
Healey, rh John
Hendry, Drew
Hillier, Dame Meg
Hobhouse, Wera
Hollern, Kate
Hopkins, Rachel
Hosie, rh Stewart
Huq, Dr Rupa
Hussain, Imran
Jardine, Christine
Johnson, rh Dame Diana
Jones, Darren
Jones, Gerald
Jones, rh Mr Kevan
Jones, Ruth
Kane, Mike
Keeley, Barbara
Kendall, Liz (*Proxy vote cast by Pat McFadden*)
Khan, Afzal
Kinnock, Stephen
Kyle, Peter
Lake, Ben

Lammy, rh Mr David
Lavery, Ian
Law, Chris
Leadbeater, Kim
Lewell-Buck, Mrs Emma
Lewis, Clive
Lloyd, Tony
Lockhart, Carla
Long Bailey, Rebecca
Lucas, Caroline
Lynch, Holly
MacNeil, Angus Brendan
Madders, Justin
Mahmood, Mr Khalid
Maskell, Rachael
Mc Nally, John
McDonagh, Siobhain
McDonald, Andy
McDonald, Stewart Malcolm
McDonald, Stuart C.
McFadden, rh Mr Pat
McGinn, Conor
McGovern, Alison
McKinnell, Catherine
McLaughlin, Anne
McMahon, Jim
McMorrin, Anna
Mearns, Ian
Mishra, Navendu
Monaghan, Carol
Moran, Layla
Morden, Jessica
Morgan, Helen
Morgan, Stephen
Morris, Grahame
Murray, Ian
Murray, James
Nandy, Lisa
Newlands, Gavin
Nichols, Charlotte
Nicolson, John
Norris, Alex
O'Hara, Brendan
Olney, Sarah
Onwurah, Chi
Oppong-Asare, Abena
Osamor, Kate
Oswald, Kirsten
Owatemi, Taiwo
Owen, Sarah
Peacock, Stephanie
Pennycook, Matthew
Perkins, Mr Toby
Phillips, Jess
Phillipson, Bridget
Pollard, Luke

Qaisar, Ms Anum
Rayner, rh Angela
Reeves, Ellie
Ribeiro-Addy, Bell
Rimmer, Ms Marie
Robinson, Gavin
Rodda, Matt
Russell-Moyle, Lloyd
Shah, Naz
Shannon, Jim
Sharma, Mr Virendra
Sheerman, Mr Barry
Sheppard, Tommy
Siddiq, Tulip
Slaughter, Andy
Smith, Alyn
Smith, Jeff
Smith, Nick
Smyth, Karin
Sobel, Alex
Spellar, rh John
Starmer, rh Keir
Stephens, Chris
Stevens, Jo
Stone, Jamie
Streeting, Wes
Stringer, Graham
Sultana, Zarah
Tami, rh Mark
Tarry, Sam
Thewliss, Alison
Thomas-Symonds, rh Nick
Thompson, Owen
Thomson, Richard
Thornberry, rh Emily
Timms, rh Stephen
Twigg, Derek
Vaz, rh Valerie
West, Catherine
Western, Matt
Whitehead, Dr Alan
Whitford, Dr Philippa
Whitley, Mick
Whittome, Nadia
Williams, Hywel
Wilson, Munira
Wilson, rh Sammy
Winter, Beth
Wishart, Pete
Yasin, Mohammad
Zeichner, Daniel

Tellers for the Ayes:

Lilian Greenwood and
Liz Twist

NOES

Afolami, Bim
Afriyie, Adam
Aiken, Nickie
Aldous, Peter
Allan, Lucy
Anderson, Lee
Anderson, Stuart
Andrew, rh Stuart
Ansell, Caroline
Argar, Edward
Atherton, Sarah
Atkins, Victoria
Bacon, Gareth
Bacon, Mr Richard
Badenoch, Kemi
Bailey, Shaun
Baillie, Siobhan
Baker, Duncan
Baker, Mr Steve
Baynes, Simon
Bell, Aaron
Benton, Scott
Beresford, Sir Paul
Berry, rh Jake
Bhatti, Saqib
Blackman, Bob

Blunt, Crispin
 Bottomley, Sir Peter
 Bowie, Andrew
 Bradley, Ben
 Bradley, rh Karen
 Brady, Sir Graham
 Braverman, rh Suella
 Brereton, Jack
 Bridgen, Andrew
 Brine, Steve
 Bristow, Paul
 Britcliffe, Sara
 Browne, Anthony
 Bruce, Fiona
 Buchan, Felicity
 Burghart, Alex
 Burns, rh Conor
 Butler, Rob
 Cairns, rh Alun
 Carter, Andy
 Cartlidge, James
 Cash, Sir William
 Cates, Miriam
 Caulfield, Maria
 Chalk, Alex
 Chishti, Rehman
 Churchill, Jo
 Clark, rh Greg
 Clarke, rh Mr Simon
 Clarke-Smith, Brendan
 Clarkson, Chris
 Cleverly, rh James
 Clifton-Brown, Sir Geoffrey
 Coffey, rh Dr Thérèse
 Colburn, Elliot
 Collins, Damian
 Costa, Alberto
 Courts, Robert
 Coutinho, Claire
 Cox, rh Sir Geoffrey
 Crabb, rh Stephen
 Crosbie, Virginia
 Crouch, Tracey
 Daly, James
 Davies, David T. C.
 Davies, Gareth
 Davies, Dr James
 Davies, Mims
 Davison, Dehenna
 Dines, Miss Sarah
 Djanogly, Mr Jonathan
 Docherty, Leo
 Donelan, rh Michelle
 Dorries, rh Ms Nadine
 Double, Steve
 Doyle-Price, Jackie
 Drax, Richard
 Drummond, Mrs Flick
 Duguid, David
 Duncan Smith, rh Sir Iain
 Dunne, rh Philip
 Eastwood, Mark
 Edwards, Ruth
 Ellis, rh Michael
 Ellwood, rh Mr Tobias
 Elphicke, Mrs Natalie
 Eustice, rh George
 Evans, Dr Luke
 Evennett, rh Sir David
 Everitt, Ben
 Farris, Laura
 Fell, Simon

Fletcher, Katherine
 Fletcher, Mark
 Fletcher, Nick
 Foster, Kevin
 Fox, rh Dr Liam
 Frazer, rh Lucy
 Freeman, George
 Freer, Mike
 French, Mr Louie
 Fuller, Richard
 Fysh, Mr Marcus
 Gale, rh Sir Roger
 Garnier, Mark
 Gibb, rh Nick
 Gibson, Peter
 Gideon, Jo
 Goodwill, rh Sir Robert
 Gove, rh Michael
 Graham, Richard
 Grant, Mrs Helen
 Gray, James
 Grayling, rh Chris
 Green, Chris
 Green, rh Damian
 Griffith, Andrew
 Griffiths, Kate
 Grundy, James
 Gullis, Jonathan
 Halfon, rh Robert
 Hall, Luke
 Hammond, Stephen
 Hands, rh Greg
 Harper, rh Mr Mark
 Harris, Rebecca
 Harrison, Trudy
 Hart, Sally-Ann
 Hart, rh Simon
 Hayes, rh Sir John
 Heald, rh Sir Oliver
 Heapey, James
 Heaton-Harris, Chris
 Henderson, Gordon
 Henry, Darren
 Higginbotham, Antony
 Hinds, rh Damian
 Hoare, Simon
 Holden, Mr Richard
 Hollinrake, Kevin
 Hollobone, Mr Philip
 Holloway, Adam
 Holmes, Paul
 Howell, Paul
 Huddleston, Nigel
 Hudson, Dr Neil
 Hughes, Eddie
 Hunt, Jane
 Hunt, Tom
 Jack, rh Mr Alister
 Jayawardena, Mr Ranil
 Jenkin, Sir Bernard
 Jenkyns, Andrea
 Jenrick, rh Robert
 Johnson, Dr Caroline
 Johnson, Gareth
 Johnston, David
 Jones, Andrew
 Jones, rh Mr David
 Jones, Mr Marcus
 Jupp, Simon
 Kearns, Alicia
 Keegan, Gillian
 Knight, rh Sir Greg

Knight, Julian
 Kruger, Danny
 Kwarteng, rh Kwasi
 Lamont, John
 Largan, Robert
 Latham, Mrs Pauline
 Leadsom, rh Dame Andrea
 Leigh, rh Sir Edward
 Lewer, Andrew
 Lewis, rh Brandon
 Lewis, rh Dr Julian
 Loder, Chris
 Logan, Mark
 Longhi, Marco
 Lopresti, Jack
 Lord, Mr Jonathan
 Loughton, Tim
 Mackinlay, Craig
 Mackrory, Cherilyn
 Maclean, Rachel
 Mak, Alan
 Malthouse, rh Kit
 Mangnall, Anthony
 Marson, Julie
 May, rh Mrs Theresa
 Mayhew, Jerome
 Maynard, Paul
 McCartney, Jason
 McCartney, Karl
 McPartland, Stephen
 Merriman, Huw
 Metcalfe, Stephen
 Millar, Robin
 Miller, rh Mrs Maria
 Milling, rh Amanda
 Mills, Nigel
 Mitchell, rh Mr Andrew
 Mohindra, Mr Gagan
 Moore, Damien
 Mordaunt, rh Penny
 Morris, Anne Marie
 Morris, David
 Morris, James
 Mortimer, Jill
 Morton, Wendy
 Mullan, Dr Kieran
 Mumby-Croft, Holly
 Mundell, rh David
 Murray, Mrs Sheryll
 Murrison, rh Dr Andrew
 Neill, Sir Robert
 Nici, Lia
 Nokes, rh Caroline
 Norman, rh Jesse
 O'Brien, Neil
 Offord, Dr Matthew
 Opperman, Guy
 Pawsey, Mark
 Penning, rh Sir Mike
 Penrose, John
 Percy, Andrew
 Philp, Chris
 Poulter, Dr Dan
 Pow, Rebecca
 Prentis, Victoria
 Pritchard, rh Mark
 Pursglove, Tom
 Quin, Jeremy
 Quince, Will
 Randall, Tom

Redwood, rh John
 Rees-Mogg, rh Mr Jacob
 Richards, Nicola
 Richardson, Angela
 Roberts, Rob
 Robertson, Mr Laurence
 Robinson, Mary
 Rosindell, Andrew
 Rowley, Lee
 Russell, Dean
 Rutley, David
 Sambrook, Gary
 Saxby, Selaine
 Scully, Paul
 Shelbrooke, rh Alec
 Simmonds, David
 Skidmore, rh Chris
 Smith, Chloe
 Smith, Greg
 Smith, Henry
 Smith, Royston
 Spencer, Dr Ben
 Spencer, rh Mark
 Stafford, Alexander
 Stephenson, Andrew
 Stevenson, Jane
 Stevenson, John
 Stewart, rh Bob
 Stewart, Iain
 Streeter, Sir Gary
 Stride, rh Mel
 Stuart, Graham
 Sturdy, Julian
 Sunderland, James
 Swayne, rh Sir Desmond
 Syms, Sir Robert
 Thomas, Derek
 Throup, Maggie
 Timpson, Edward
 Tolhurst, Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Trevelyan, rh Anne-Marie
 Trott, Laura
 Vara, Shailesh
 Vickers, Martin
 Vickers, Matt
 Villiers, rh Theresa
 Walker, Sir Charles
 Walker, Mr Robin
 Wallis, Dr Jamie
 Warburton, David
 Warman, Matt
 Watling, Giles
 Webb, Suzanne
 Wheeler, Mrs Heather
 Whittaker, Craig
 Whittingdale, rh Mr John
 Wiggin, Sir Bill
 Wild, James
 Williams, Craig
 Williamson, rh Gavin
 Wood, Mike
 Young, Jacob
 Zahawi, rh Nadhim

Tellers for the Noes:
 Amanda Solloway and
 Scott Mann

Question accordingly negated.

Clause 2**EXCLUSION OF REVIEW OF UPPER TRIBUNAL'S
PERMISSION-TO-APPEAL DECISIONS**

Amendment made: 6, page 3, line 36, after “in” insert—
‘such a procedurally defective way as amounts to a’ —(*James Cartlidge.*)

This amendment clarifies that the ability preserved by clause 2 to challenge the Upper Tribunal's permission-to-appeal decisions for breach of natural justice relates only to procedural defects.

Amendment proposed: 43, page 4, line 19, at end insert—

‘(8) This section does not extend to Scotland.’—(*Anne McLaughlin.*)

This amendment would ensure that the exclusion of review of Upper Tribunal's permission-to-appeal decisions did not extend to Scotland.

Question put, That the amendment be made.

The House divided: Ayes 61, Noes 316.

Division No. 171]

[4.26 pm

AYES

Bardell, Hannah	Jardine, Christine
Black, Mhairi	Lake, Ben
Blackford, rh Ian	Law, Chris
Blackman, Kirsty	Lucas, Caroline
Bonnar, Steven	MacNeil, Angus Brendan
Brock, Deidre	Mc Nally, John
Brown, Alan	McDonald, Stewart Malcolm
Carmichael, rh Mr Alistair	McDonald, Stuart C.
Chamberlain, Wendy	McLaughlin, Anne
Chapman, Douglas	Monaghan, Carol
Cherry, Joanna	Moran, Layla
Cooper, Daisy	Morgan, Helen
Cowan, Ronnie	Newlands, Gavin
Crawley, Angela (<i>Proxy vote cast by Owen Thompson</i>)	Nicolson, John
Davey, rh Ed	O'Hara, Brendan
Day, Martyn	Olney, Sarah
Docherty-Hughes, Martin	Oswald, Kirsten
Doogan, Dave	Qaisar, Ms Anum
Dorans, Allan	Sheppard, Tommy
Edwards, Jonathan	Smith, Alyn
Farron, Tim	Stephens, Chris
Farry, Stephen	Stone, Jamie
Ferrier, Margaret	Thewliss, Alison
Flynn, Stephen	Thompson, Owen
Gibson, Patricia	Timms, rh Stephen
Grady, Patrick	Whitford, Dr Philippa
Grant, Peter	Williams, Hywel
Green, Sarah	Wilson, Munira
Hanvey, Neale	Wishart, Pete
Hendry, Drew	
Hobhouse, Wera	
Hosie, rh Stewart	

Tellers for the Ayes:
Marion Fellows and
Richard Thomson

NOES

Afolami, Bim	Atkins, Victoria
Afriyie, Adam	Bacon, Gareth
Aiken, Nickie	Bacon, Mr Richard
Aldous, Peter	Badenoch, Kemi
Allan, Lucy	Bailey, Shaun
Anderson, Lee	Baillie, Siobhan
Anderson, Stuart	Baker, Duncan
Andrew, rh Stuart	Baker, Mr Steve
Ansell, Caroline	Baynes, Simon
Argar, Edward	Bell, Aaron
Atherton, Sarah	Benton, Scott

Beresford, Sir Paul	Elphicke, Mrs Natalie
Berry, rh Jake	Eustice, rh George
Bhatti, Saqib	Evans, Dr Luke
Blackman, Bob	Evennett, rh Sir David
Blunt, Crispin	Everitt, Ben
Bottomley, Sir Peter	Farris, Laura
Bowie, Andrew	Fell, Simon
Bradley, Ben	Fletcher, Katherine
Bradley, rh Karen	Fletcher, Mark
Brady, Sir Graham	Fletcher, Nick
Braverman, rh Suella	Ford, Vicky
Brereton, Jack	Foster, Kevin
Bridgen, Andrew	Fox, rh Dr Liam
Brine, Steve	Frazer, rh Lucy
Bristow, Paul	Freeman, George
Britcliffe, Sara	Freer, Mike
Browne, Anthony	French, Mr Louie
Bruce, Fiona	Fuller, Richard
Buchan, Felicity	Fysh, Mr Marcus
Burghart, Alex	Gale, rh Sir Roger
Burns, rh Conor	Garnier, Mark
Butler, Rob	Gibb, rh Nick
Cairns, rh Alun	Gibson, Peter
Campbell, Mr Gregory	Gideon, Jo
Carter, Andy	Goodwill, rh Sir Robert
Cartlidge, James	Gove, rh Michael
Cash, Sir William	Graham, Richard
Cates, Miriam	Grant, Mrs Helen
Caulfield, Maria	Gray, James
Chalk, Alex	Grayling, rh Chris
Chishti, Rehman	Green, Chris
Churchill, Jo	Green, rh Damian
Clark, rh Greg	Griffith, Andrew
Clarke, rh Mr Simon	Griffiths, Kate
Clarke-Smith, Brendan	Grundy, James
Clarkson, Chris	Gullis, Jonathan
Cleverly, rh James	Halfon, rh Robert
Clifton-Brown, Sir Geoffrey	Hall, Luke
Coffey, rh Dr Thérèse	Hammond, Stephen
Colburn, Elliot	Hands, rh Greg
Collins, Damian	Harper, rh Mr Mark
Costa, Alberto	Harris, Rebecca
Courts, Robert	Harrison, Trudy
Coutinho, Claire	Hart, Sally-Ann
Cox, rh Sir Geoffrey	Hart, rh Simon
Crabb, rh Stephen	Hayes, rh Sir John
Crosbie, Virginia	Heald, rh Sir Oliver
Crouch, Tracey	Heapey, James
Daly, James	Heaton-Harris, Chris
Davies, David T. C.	Henderson, Gordon
Davies, Gareth	Henry, Darren
Davies, Dr James	Higginbotham, Antony
Davies, Mims	Hinds, rh Damian
Davison, Dehenna	Hoare, Simon
Dinenage, Dame Caroline	Holden, Mr Richard
Dines, Miss Sarah	Hollinrake, Kevin
Djanogly, Mr Jonathan	Hollobone, Mr Philip
Docherty, Leo	Holloway, Adam
Donaldson, rh Sir Jeffrey M.	Holmes, Paul
Donelan, rh Michelle	Howell, Paul
Dorries, rh Ms Nadine	Huddleston, Nigel
Double, Steve	Hudson, Dr Neil
Doyle-Price, Jackie	Hughes, Eddie
Drax, Richard	Hunt, Jane
Drummond, Mrs Flick	Hunt, Tom
Duguid, David	Jack, rh Mr Alister
Duncan Smith, rh Sir Iain	Jayawardena, Mr Ranil
Dunne, rh Philip	Jenkin, Sir Bernard
Eastwood, Mark	Jenkyns, Andrea
Edwards, Ruth	Jenrick, rh Robert
Ellis, rh Michael	Johnson, Dr Caroline
Ellwood, rh Mr Tobias	Johnson, Gareth

Johnston, David
 Jones, Andrew
 Jones, rh Mr David
 Jones, Mr Marcus
 Jupp, Simon
 Kearns, Alicia
 Keegan, Gillian
 Knight, rh Sir Greg
 Knight, Julian
 Kruger, Danny
 Lamont, John
 Langan, Robert
 Latham, Mrs Pauline
 Leadsom, rh Dame Andrea
 Leigh, rh Sir Edward
 Lewer, Andrew
 Lewis, rh Brandon
 Lewis, rh Dr Julian
 Lockhart, Carla
 Loder, Chris
 Logan, Mark
 Longhi, Marco
 Lopresti, Jack
 Lord, Mr Jonathan
 Loughton, Tim
 Mackinlay, Craig
 Mackrory, Cherilyn
 Maclean, Rachel
 Mak, Alan
 Malthouse, rh Kit
 Mangnall, Anthony
 Marson, Julie
 May, rh Mrs Theresa
 Mayhew, Jerome
 Maynard, Paul
 McCartney, Jason
 McCartney, Karl
 McPartland, Stephen
 Merriman, Huw
 Metcalfe, Stephen
 Millar, Robin
 Miller, rh Mrs Maria
 Milling, rh Amanda
 Mills, Nigel
 Mitchell, rh Mr Andrew
 Mohindra, Mr Gagan
 Moore, Damien
 Mordaunt, rh Penny
 Morris, Anne Marie
 Morris, David
 Morris, James
 Mortimer, Jill
 Morton, Wendy
 Mullan, Dr Kieran
 Mumby-Croft, Holly
 Mundell, rh David
 Murray, Mrs Sheryll
 Murrison, rh Dr Andrew
 Neill, Sir Robert
 Nici, Lia
 Nokes, rh Caroline
 Norman, rh Jesse
 O'Brien, Neil
 Offord, Dr Matthew
 Opperman, Guy
 Parish, Neil
 Pawsey, Mark
 Penning, rh Sir Mike
 Penrose, John
 Percy, Andrew
 Philp, Chris
 Pincher, rh Christopher

Poulter, Dr Dan
 Pow, Rebecca
 Prentis, Victoria
 Pritchard, rh Mark
 Pursglove, Tom
 Quin, Jeremy
 Quince, Will
 Randall, Tom
 Redwood, rh John
 Rees-Mogg, rh Mr Jacob
 Richards, Nicola
 Richardson, Angela
 Robertson, Mr Laurence
 Robinson, Gavin
 Robinson, Mary
 Rosindell, Andrew
 Rowley, Lee
 Russell, Dean
 Rutley, David
 Sambrook, Gary
 Saxby, Selaine
 Scully, Paul
 Selous, Andrew
 Shannon, Jim
 Shelbrooke, rh Alec
 Simmonds, David
 Skidmore, rh Chris
 Smith, Chloe
 Smith, Greg
 Smith, Henry
 Smith, rh Julian
 Smith, Royston
 Spencer, Dr Ben
 Spencer, rh Mark
 Stafford, Alexander
 Stephenson, Andrew
 Stevenson, Jane
 Stevenson, John
 Stewart, rh Bob
 Stewart, Iain
 Streeter, Sir Gary
 Stride, rh Mel
 Stuart, Graham
 Sturdy, Julian
 Sunderland, James
 Swayne, rh Sir Desmond
 Syms, Sir Robert
 Thomas, Derek
 Throup, Maggie
 Timpson, Edward
 Tolhurst, Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Trevelyan, rh Anne-Marie
 Trott, Laura
 Vara, Shailesh
 Vickers, Martin
 Vickers, Matt
 Villiers, rh Theresa
 Walker, Sir Charles
 Walker, Mr Robin
 Wallis, Dr Jamie
 Warburton, David
 Warman, Matt
 Watling, Giles
 Webb, Suzanne
 Wheeler, Mrs Heather
 Whittaker, Craig
 Whittingdale, rh Mr John
 Wiggin, Sir Bill
 Wild, James

Williams, Craig
 Williamson, rh Gavin
 Wilson, rh Sammy
 Wood, Mike
 Young, Jacob

Zahawi, rh Nadhim

Tellers for the Noes:
Amanda Solloway and
Scott Mann

Question accordingly negated.

New Clause 1

MAXIMUM TERM OF IMPRISONMENT ON SUMMARY CONVICTION FOR EITHER-WAY OFFENCE

‘(1) In section 224 of the Sentencing Code (general limit on magistrates’ court’s power to impose custodial sentence)—

(a) in subsection (1), for the words after paragraph (b) substitute “for a term exceeding the applicable limit in respect of any one offence”;

(b) after subsection (1) insert—

“(1A) The applicable limit is—

(a) 6 months in the case of a summary offence, or

(b) 12 months in the case of an offence triable either way.”;

(c) in subsection (2), for the words from “more than” to the end substitute “a term exceeding the applicable limit”.

(2) In Part 8 of Schedule 23 to the Sentencing Act 2020 (powers to amend the Sentencing Code in relation to custodial sentences), before paragraph 15 insert—

“*General limit on magistrates’ court’s power to impose custodial sentence—*

14A (1) The Secretary of State may by regulations amend section 224(1A)(b) (general limit on custodial sentence for either-way offence in magistrates’ court)—

(a) if for the time being it refers to 12 months, to substitute a reference to 6 months for the reference to 12 months, or

(b) if for the time being it refers to 6 months, to substitute a reference to 12 months for the reference to 6 months.

(2) An amendment under sub-paragraph (1) has effect only in relation to an offence for which a person is convicted on or after the day on which the amendment comes into force.

(3) Regulations under sub-paragraph (1) are subject to the negative resolution procedure.”

(3) In Schedule 1 to the Interpretation Act 1978, after the entry requiring the definitions relating to offences to be construed without regard to section 22 of the Magistrates’ Courts Act 1980 insert—

“In relation to a term of imprisonment in respect of an offence triable either way under the law of England and Wales, “general limit in a magistrates’ court” means the limit laid down by section 224(1A)(b) of the Sentencing Code (as it has effect from time to time).”

(4) In section 32(1) of the Magistrates’ Courts Act 1980 (maximum penalty on summary conviction for certain either-way offences), for “12 months” substitute “the general limit in a magistrates’ court”.

(5) In section 282(3) of the Criminal Justice Act 2003 (maximum custodial term on summary conviction for certain either-way offences)—

(a) omit “maximum”;

(b) for “12 months” substitute “a term not exceeding the general limit in a magistrates’ court”.

(6) Subsection (7) applies to relevant legislation—

(a) which provides for a maximum term of imprisonment of 12 months on summary conviction for an offence triable either way, and

(b) in relation to which section 282(3) of the Criminal Justice Act 2003 does not apply.

(7) Relevant legislation to which this subsection applies is to be read as providing for a term of imprisonment not exceeding the general limit in a magistrates' court (in place of the term referred to in subsection (6)(a)).

(8) Subsection (9) applies to relevant primary legislation that confers a power (in whatever terms) to make subordinate legislation providing for a maximum term of imprisonment, on summary conviction for an offence triable either way, of—

- (a) 6 months, in the case of an enactment contained in an Act passed on or before 20 November 2003, or
- (b) 12 months, in the case of any other relevant primary legislation.

(9) Relevant primary legislation to which this subsection applies is to be read as conferring a power to provide for a term of imprisonment not exceeding the general limit in a magistrates' court (in place of the term referred to in subsection (8)(a) or (b)).

(10) The Secretary of State may by regulations—

- (a) amend relevant legislation in relation to which section 282(3) of the Criminal Justice Act 2003 applies, to spell out the effect of that provision (as amended by subsection (5));
- (b) amend relevant legislation to which subsection (7) applies, to spell out the effect of that subsection;
- (c) amend relevant primary legislation to which subsection (9) applies, to spell out the effect of that subsection;
- (d) amend relevant legislation in consequence of an amendment under any of the preceding paragraphs.

(11) In this section—

“relevant legislation” means an enactment contained in—

- (a) an Act passed before or in the same Session as this Act,
- (b) an Act or Measure of Senedd Cymru enacted before the passing of this Act,
- (c) subordinate legislation made before the passing of this Act, or
- (d) retained direct EU legislation, not falling within the preceding paragraphs, made before the passing of this Act;

“relevant primary legislation” means an enactment falling within paragraph (a) or (b) of the definition of “relevant legislation”;

“subordinate legislation” means subordinate legislation within the meaning of the Interpretation Act 1978 (see section 21(1) of that Act) or any equivalent instrument made or to be made under an Act or Measure of Senedd Cymru.”—(*James Cartledge*.)

This new clause enables the maximum custodial term that a magistrates' court may impose for an either-way offence to be reduced to 6 months, and subsequently restored to 12 months, by regulations.

Brought up, and read the First time.

James Cartledge: I beg to move, That the clause be read a Second time.

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

New clause 2—Online Procedural Assistance—

‘(1) Online Procedural Assistance, must be made available and accessible to any party or potential party to proceedings governed by Online Procedure Rules that requires it. In delivering this duty, the Lord Chancellor must have due regard to the intersection of digital exclusion with other factors, such as age, poverty, disability and geography and deliver support services accordingly.

(2) It must include assistance to enable such a party or potential party to have a reasonable understanding of the nature of the proceedings, the procedure applicable under Online Procedure Rules and of how to access and navigate such procedure. To this

effect, it will provide both advice and technical hardware, as appropriate, and will provide assistance to such individuals throughout the course of their proceedings.

(3) Anyone who requires Online Procedural Assistance must have the option of receiving it either via remote appointments or in-person appointments at a site local to them.

(4) Online Procedural Assistance must include, for a party or potential party whose first language is not English, assistance, by interpretation or translation as appropriate, in a language that is familiar to the party or potential party.

(5) The delivery of Online Procedural Assistance must be evaluated at yearly intervals by an independent evaluation team. To assist in these evaluations, data must be routinely collected relating to the protected characteristics of those using the service, outcomes of cases that used Online Procedural Assistance and the frequency and location of the appointments provided. This must also be made publicly available.’

This new clause clarifies the nature of online procedural assistance.

New clause 3—Review of the single justice procedure—

‘(1) Within two months beginning with the day on which this Act is passed, the Secretary of State must commission a review of and publish a report on the effectiveness of the single justice procedure.

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

- (a) the transparency of the single justice procedure in line with the principle of open justice,
- (b) the suitability of the use of the single justice procedure for Covid-19 offences, and
- (c) prosecution errors for Covid-19 offences under the single justice procedure and what redress victims of errors have.

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

New clause 7—Compatibility with Article 6 of the European Convention on Human Rights—

‘(1) This Act must be construed in accordance with Article 6 of the European Convention on Human Rights.

(2) If a court or tribunal has found a provision of this Act to be incompatible with Article 6 of the European Convention on Human Rights, it may, on application, make an order to that effect and that provision shall cease to have effect.’

This new clause would ensure the compatibility of the Act with Article 6 of the ECHR (right to a fair trial).

Amendment 36, clause 3, page 4, line 28, at end insert—

‘(1) Before this section may come into force, the Secretary of State must—

- (a) commission an independent review of the potential impact, efficacy, and operational issues on defendants and the criminal justice system of the automatic online conviction and penalty for certain summary offences;
- (b) lay before Parliament the report and findings of this independent review; and
- (c) provide a response explaining whether and how such issues which have been identified will be mitigated.’

This amendment would require a review of clause 3 before it can come into force.

Amendment 20, page 5, line 34, at end insert—

- ‘(e) the prosecutor is satisfied that the accused does not have any vulnerabilities and disabilities that impede the ability of the accused to understand or effectively participate in proceedings, having undertaken a physical and mental health assessment.’

This amendment would require that all accused persons considered for automatic online convictions are subject to a health assessment, and that only those who do not have any vulnerabilities or disabilities are given the option of being convicted online.

Amendment 21, page 5, leave out lines 35 to 37 and insert—

‘(4) An offence may not be specified in regulations under subsection (3)(a) unless it is—

- (a) a summary offence that is not punishable with imprisonment; and
- (b) a non-recordable offence, which excludes any offence set out in the Schedule to the National Police Records (Recordable Offences) Regulations 2000/1139 (as amended).’

This amendment would exclude any offences which are recordable from the automatic online conviction option.

Amendment 22, clause 9, page 26, line 1, leave out subsection (5).

This amendment would remove cases involving children and young people from the provisions of clause 9.

Amendment 40, clause 21, page 39, line 13, leave out “(3) and (4)” and insert “(3), (4) and (4A)”.

This amendment is consequential on Amendment 41.

Amendment 41, page 39, line 30, at end insert—

‘(4A) The Lord President of the Court of Session is to appoint one person with experience in and knowledge of the Scottish legal system.’

This amendment would require the Online Procedure Committee to include a person with experience in and knowledge of the Scottish legal system, appointed by the Lord President of the Court of Session.

Government amendments 7 to 19.

James Cartlidge: The Government’s new clause 1 will provide powers to vary the maximum prison sentence that magistrates courts can give for a single offence. Court recovery remains a top priority for the Government. We have considered all options to support recovery in the criminal courts and have already taken several steps, such as investing £250 million in court recovery in the last financial year. The most recent spending review settlement provides £477 million to improve waiting times for victims and to reduce Crown court backlogs caused by the pandemic.

James Daly (Bury North) (Con): I have spent 16 years of my professional life trying to keep people out of prison. I have also worked within the current sentencing guidelines of six months. I support the Minister. Although I appreciate that this is a technical amendment, the magistrate should have increased sentencing powers—it is in the interests of justice. All my constituents welcome this, and we should be imposing deterrent sentences rather than the incredibly lenient sentences that are often handed out by magistrates because they do not feel that they have sufficient powers or length of sentence to replicate the seriousness of the offences that they are facing.

James Cartlidge: My hon. Friend has put his point on record, not least as someone who speaks with huge experience as a criminal solicitor—a voice of which we do need to hear more in these debates. It is an excellent point.

Magistrates play a vital role in our justice system. I would like to put on record, as I have done previously, my immense gratitude to our magistrates, our volunteer judiciary, for their work in tackling the backlog. They put in a herculean shift to bring down the backlog and make extra capacity, which we can now utilise.

Neil Parish (Tiverton and Honiton) (Con) *rose—*

James Cartlidge: I give way to my hon. Friend, the Chair of the Environment, Food and Rural Affairs Committee.

Neil Parish: I seek reassurance from my hon. Friend that this measure will speed up the process, so that we will see more people being brought to justice, and also more people getting their cases heard, so that justice is done.

James Cartlidge: I will explain very shortly what impact we expect this to have on the delays, which my hon. Friend is quite right to raise.

Just to be clear, in the coming months, we will be extending magistrates court’s sentencing powers from a maximum of six months to 12 months imprisonment for a single triable either-way offence by commencing existing provisions in the Sentencing Act 2020 and the Criminal Justice Act 2003.

Extended sentencing powers will allow for more cases to be retained in magistrates courts, allowing these cases to be heard more quickly and with the intended effect of reducing the backlog of outstanding cases in the Crown court. Just to be clear, we estimate that this will save nearly 2,000 Crown court sitting days per year. Magistrates are also fully capable of hearing these cases. They make sound legal decisions, which is supported by the fact that there is very low appeal rate of only 0.7%, 50% of which are dismissed or abandoned.

Sir Robert Neill (Bromley and Chislehurst) (Con) *rose—*

James Cartlidge: I give way to the Chair of the Justice Committee.

Sir Robert Neill: I, too, support this amendment. My hon. Friend will remember, or will perhaps know, that the Justice Committee has raised this in the past when we did an inquiry in relation to magistrates. A concern was raised by his predecessor that this might have an impact on the levels of those going into custody, but we were never able to find any evidence to support that. It seemed, essentially, anecdotal. Has any hard evidence been found to suggest one way or another?

James Cartlidge: The short answer is no. That is certainly my impression. The reason that we are making this change is that we have faith in our magistracy. I have spoken about the huge shift that they put in during the pandemic to get the backlog down in the magistrates courts. When it comes to trying to make guesses about what impact this will have, the key thing is to simply trust our magistrates to look at the case before them, to take into account sentencing guidelines, to take the advice of their legal advisers, and to make their sentence according to the circumstances of the case before them, which is how they always behave.

We want to make this change as quickly as possible, so that we can ensure maximum benefit for court recovery. That is why we will be implementing the policy on a national basis from the outset, rather than first running a pilot in select courts. This clause supplements the provisions to extend the sentencing powers of magistrates

courts by introducing a power to vary the limit on the length of sentence that the magistrates courts may give to either six months or 12 months in the future. This will ensure that there is the ability to return to the current position in the event that any unsustainable adverse impacts materialise—of course, we sincerely hope they will not.

Taken together, this amendment and the magistrates' recruitment campaign launched this week shows that this Government are committed to our magistracy and understand how important they are for court recovery.

Edward Timpson (Eddisbury) (Con): I also support this amendment and the efforts being made by my hon. Friend's Department and across Government to increase the ability of magistrates to hear and deliver justice. Can he confirm that, through this Bill, the raising of the magistrates' retirement age from 70 to 75 will include those who have already been forced to retire at 70, so that, where there is local demand, they can come back and serve some of the justice that we now want to see being brought forward?

James Cartlidge: My hon. Friend makes an excellent point, because, of course, we do want to achieve precisely that. Just to be clear, it is not in this Bill. It is in the Public Service Pensions and Judicial Offices Bill that is going through at the same time—I spoke on its Second Reading. The key point, as my hon. Friend has said, is that it raises the mandatory retirement age to 75, and we think that that will have a significant impact. In fact, we have estimated that it could lead to 400 additional magistrates coming in at a time when we really need that resource because of the backlog.¹

We have tabled other amendments on employment tribunals. Amendments 7 to 19 to schedule 5 are minor and technical, and ensure that terminology used in employment tribunal procedure is up to date, and that it correctly reflects terms used in employment tribunal procedure regulations. There are of course a number of non-Government amendments in this group, and I will respond to them once we have heard from the Members who tabled them, towards the end of the debate.

4.45 pm

Alex Cunningham (Stockton North) (Lab): Let me first thank the Minister and other colleagues on the Bill Committee for their kind comments on the last day. Sadly, I was unable to join them because I had tested positive for covid. Double vaccinations protected me well, and I got off lightly. I am also grateful to the Minister for his helpful engagement with many of our concerns in Committee.

The Opposition understand the need to modernise our court and tribunal proceedings, and we appreciate the potential of online and digital procedures to increase the efficiency of our courts for those who use them and work in them. However, we also recognise that alongside any innovative changes, appropriate safeguards must be introduced to ensure that access to justice and engagement in our justice system are not inadvertently hampered for anyone. I am concerned that the criminal procedure and online rules procedure sections of the Bill as drafted do not sufficiently safeguard access to justice, particularly for young people and children and people with vulnerabilities.

On Second Reading, the Lord Chancellor said:

“Physical hearings will always be available for those who need and want to use them, so that those who are uncomfortable or cannot access the digital and online applications will not be prejudiced.”—[*Official Report*, 26 October 2021; Vol. 702, c. 195.]

While I welcome that commitment from the Lord Chancellor, I do wonder why the Government would not go so far as putting such safeguards in the primary legislation, instead choosing to vote down every Labour amendment that tried to secure the rights of young and vulnerable individuals to engage with the justice system in the way most suitable for them. Today we are giving the Government a second chance, and I hope that the Minister uses it well and supports the amendments we have tabled.

Before I come on to the Opposition amendments, I will address new clause 1 and its consequential amendments, as we were not able to scrutinise these proposals in Committee. At this stage, I join the Minister in praising the work of our magistrates up and down the country. They do a grand job, often in very difficult circumstances. However, I do not understand why we did not have the opportunity of full legislative scrutiny of these proposals in Committee, rather than their being tabled at this late stage. Indeed, in response to an intervention from the hon. Member for Warrington South (Andy Carter) on Second Reading, the Lord Chancellor confirmed that the proposals were already being considered at that time.

Ministers have explained that new clause 1 is intended to provide additional capacity to help decrease the burgeoning backlog of cases in the Crown court. In the Ministry of Justice's own statistics, released just last week, it has been revealed that delays in the criminal justice system have hit a record high. It takes an average of 708 days from the commission of an offence to the completion of a criminal case in the Crown court, so we need action. The Opposition want to see dramatic decreases in these numbers, and will support the Government in measures that will genuinely contribute to a reduction in the backlog. However, I seriously doubt that increasing sentencing powers of magistrates will have the measurable impact that all those involved in the criminal justice system are crying out for.

According to the Government, the measures could

“save 1,700 sitting days in the Crown Courts by enabling 500 jury trials to be switched to magistrates”.

It appears, however, that that estimate presumes that defendants will not exercise their right to opt for a jury trial. Will the Minister tell the House on what basis the Government have made this presumption? It strikes me that one of the primary reasons for not electing for a trial in the Crown court is in fact the lesser sentencing powers of magistrates, but as this cap is increased, I imagine that a trial by jury may seem a more appropriate option for more defendants and so they will still end up in the Crown court. Even if all defendants did choose not to exercise their right, the Government's plan would represent a tiny saving overall.

I see that Jo Sidhu QC, chairman of the Criminal Bar Association, has also suggested that the increase in magistrates' sentencing powers will not have the effect that the Lord Chancellor hopes, as it will lead to more cases being appealed in the Crown court, thereby potentially increasing rather than reducing the workload.

1.[*Official Report*, 1 February 2022, Vol. 708, c. 2MC.]

James Daly: That assessment is completely at odds with my 16 years of working in this field. When a case is committed to the Crown court, it is on the basis of the maximum sentence that could be imposed in the circumstances. The increase in sentencing powers will bring many more cases—burglary, affray, first-time offenders—back into the magistrates courts and avoid the ridiculous situation whereby straightforward cases that can be dealt with in a magistrates court are committed to the Crown court for no reason.

Alex Cunningham: I am not saying that we oppose the proposal—Labour legislation first put it on the statute book—but people in the magistrates courts will get higher sentences and may well feel the necessity to appeal, so we will potentially have more appeals.

Andy Carter (Warrington South) (Con): Following on from my hon. Friend the Member for Bury North (James Daly), one of the main reasons for cases going to the Crown court is that magistrates refuse jurisdiction and send them there. There is no certainty that higher sentences will be given to individuals who are found guilty. They may well get exactly the same sentence in a magistrates court as they would get in a Crown court. The hon. Member for Stockton North (Alex Cunningham) is confusing the issue. The fact that magistrates can now keep a case in their court without having to refer up to a higher court will reduce the backlog in Crown courts.

Alex Cunningham: We believe the potential is there, but we want to understand the statistics on which the Government have based the proposal. However, I will move on now.

Have the Government taken into account the potential increase in appeals? I imagine that could quickly offset the 1.6% saving in sitting days. The increase in sentencing powers is interesting in the context of existing provisions in the Bill, particularly in relation to the new allocation procedure.

As Justice points out, there is a risk that more serious cases

“could proceed without defendants being physically present for a hearing, and as such without the defendant’s informed input as to whether the case should be heard in the Magistrates’ or Crown Court.”

It is also important to consider the proposal in the light of clause 9, which will allow hearings to take place in the absence of the defendant in many circumstances. Can the Minister share any assessment that the Department has made of the potential impact on appeals to the Crown court of introducing the increase in sentencing powers at the same time as the new allocation procedure and clause 9?

As the Minister outlined, new clause 1 will enable the Government to switch off and back on the maximum custodial term that a magistrates court may impose for an either-way offence—in other words, he is taking the power to reverse these new sentences when it suits the Lord Chancellor. I am interested to hear in what circumstances the Minister would want to reduce magistrates’ sentencing powers in future. Will that be triggered by the backlog reaching a certain level, or does he think there is a high risk that there will be unintended consequences, such as those that the CBA, Justice and I have described?

The whole approach suggests that the Government are not too confident that the proposal will be the success that they hope. Until Ministers address the shortages in judges, criminal practitioners and appropriate court space, victims and defendants will continue to suffer excessive waits until their cases are concluded.

I will now move on to the Opposition’s amendments and new clauses, which, as I explained earlier, aim to introduce a number of safeguards into the Bill to ensure that access to justice is not hampered in the drive towards efficiency that online and remote processes can offer.

Clause 3 creates an automatic online conviction and standard statutory penalty procedure, which will provide automatic online convictions as an alternative to the single justice procedure. Through this process, a defendant could opt to plead guilty online, which would result in an automatic conviction without the need for a hearing.

The process rightly already has some limitations. For example, the defendant must consent to use of the process, so they retain the right to opt for an in-person hearing instead. Furthermore, the procedure is only available in respect of non-imprisonable summary offences where the accused was aged 18 or over when charged. The Opposition agree with those limitations, but we think they need to go further. Amendment 20 would require that all accused persons considered for automatic online convictions, as introduced by clause 3, are subject to a health assessment, and that only those who do not have any vulnerabilities or disabilities are given the option of being convicted online.

The Equality and Human Rights Commission has recognised that remote justice is unsuitable for disabled people, such as those with learning difficulties, cognitive impairments or mental health conditions. The commission identified that remote proceedings reduced chances to identify a court user’s additional needs and make the appropriate adjustments. I know the Minister will share my anxiety that further roll-out of remote processes without the right safeguards may compound those inequalities even further. A recent criminal justice joint inspectorates report emphasised the need for default screening of all criminal suspects and defendants for disability, including neuro-disability. That proposal was supported by the former Lord Chancellor, who promised action on this issue. I sincerely hope his successors will uphold his promise by supporting this amendment.

I am aware that it is the Government’s intention for online pleas to be entered via the common platform, which potentially provides at least one instance where a court user’s needs can be identified so that adjustments can be made. However, the ongoing chaos with the common platform demonstrates why that would not be a sufficient safeguard in this regard. The pilot and early adopter sites have established that in its present form, at least, the common platform is not fit for purpose. The experience of the pilot courts has been widely reported to the Public and Commercial Services Union as disastrous. Their members have been working late into the evenings in an attempt to record case outcomes, with work often disappearing into thin air. Case outcomes that took a matter of seconds to record in a paper file are now taking in excess of an hour to record, provided the system is even working. Although Her Majesty’s Courts and Tribunals Service has taken steps to address slowness and instability since the intervention of the senior presiding

judge in pausing the roll-out last year, PCS does not accept that those steps have addressed the fundamental design flaws. Results still routinely disappear from the court record.

I am told that confidence in the common platform at the Crown Prosecution Service—the common platform was initially a joint CPS and HMCTS venture—is so low that the CPS has retained its case management system and is using that in preference to the platform. Given the low level of confidence in the system among the professionals who use it, I am sure the Minister can recognise why I do not believe it should be relied on as a safeguard as more remote justice procedures are introduced and rolled out. Instead, he should listen carefully to the EHRC's findings and introduce meaningful screening measures.

I turn to amendment 21, which would introduce a further safeguard to the automatic online conviction and standard statutory penalty procedure by excluding recordable offences from its purview. When I raised my concerns in Committee about the application of the AOCSSP to recordable offences, the Minister confirmed:

“There is currently no intention to extend the procedure to any recordable offences.”—[*Official Report, Judicial Review and Courts Public Bill Committee*, 9 November 2021; c. 228.]

The Opposition welcome the Minister's words, but we would prefer to see that confirmed in primary legislation. The Bill already limits the use of the procedure to summary and non-imprisonable offences, but the consequences of a recordable conviction, even for such an offence, can still be serious. Many people will not understand the impact that a conviction can have on their lives. For example, it can have a detrimental impact on employment prospects in certain sectors.

In its current format, it seems as though the AOCSSP will incentivise people to plead guilty out of convenience, regardless of whether they have an arguable case. I am sure the Minister will agree that it is vital that no one is adversely impacted by pleading guilty without recognising the full impact. If the Government agree with that point, I hope the Minister will confirm that support by limiting the procedure in primary legislation to non-recordable offences.

I now consider amendment 22, which would remove children from the provisions of clause 9. Again, in Committee the Minister provided me with additional briefing on this point, for which we were very grateful. It was not, however, enough to quell my concerns about the fact that courts will be able to proceed if a child defendant is absent from a plea and allocation hearing. In Committee, the Minister confirmed that he recognises that

“in the majority of cases, the courts may not deem it appropriate to proceed”—[*Official Report, Judicial Review and Courts Public Bill Committee*, 16 November 2021; c. 271.]

in the absence of the child. Given that, I do not know understand why the Government insist on keeping the provision in the Bill. I have spent much time in this role trying to unpick Government proposals that treat children more and more like adults in the justice system, in both this Bill and the Police, Crime, Sentencing and Courts Bill. It is extremely worrying to me that here we have yet another example of the Government failing to treat children in an appropriately distinct way. It is the position of the Opposition that they should be removed from the scope of the clause entirely.

5 pm

I now turn to the Opposition's new clauses and, first, to new clause 2, which clarifies the nature of online procedural assistance. We discussed the Bill's proposals on online procedure at length in Committee, but again the discussions did not completely allay my concerns, which is why the Opposition have tabled this new clause. Some 16% of the UK population lack basic digital skills and are unable to participate in a digital society. There need to be clear assurances that those individuals will not be left out of the justice system by the Bill. As it stands, there is only a vague duty for the Lord Chancellor to provide digital support

“for those who require it”.

Labour believes that a specific commitment to assist digitally excluded individuals would offer better protection to that 16% of society, and the new clause adds the details that the Bill lacks on who exactly needs to be covered by the Lord Chancellor's duty.

Finally, Labour's new clause 3 would mandate the Lord Chancellor to undertake a review of the single justice procedure and, in particular, its appropriateness for use in prosecuting covid-19 offences. I am grateful again for the Minister's engagement on the issue, which is one I have been particularly interested in over the past year. We have met to discuss some of my concerns about the single justice procedure, and I can confirm that he can expect a follow-up letter very soon. However, Labour felt it was important to bring the clause back for discussion on the Floor of the House, given the topicality of the issues it deals with. There are a number of allegations that members of the Government and those who work with them may have broken covid rules, having met for parties during lockdowns. The allegations are well known and numerous, and I do not intend to go over them again at this time, as we are now aware that there is an ongoing police investigation into some of them.

The allegations have, however, certainly been detrimental to public trust in not only the Government, but the justice system's handling of covid-19 breaches more generally. Members may have seen the reports from *Evening Standard* court reporter Tristan Kirk on those cases. Last Wednesday, he tweeted:

“In the latest batch of Covid-19 prosecutions, a magistrate considered 68 cases on a single day, behind closed doors, and within just five and a half hours...The court recorded receiving a plea in just 11 of those cases. Defendants denying the breach were adjourned for trial, guilty parties were sentenced, the rest went through a mini-trial. In all, the magistrate imposed more than £15k in fines.

All these cases were dealt with behind-closed-doors, in the Single Justice Procedure. Details of the allegations are, as yet, sparse. There was no open court hearing, so it's impossible to say how much care was taken over each case.”

The allegations of Government parties have pushed those prosecutions back up the agenda, as it appears that the rules have not been applied equally. I am not questioning the legality of convictions in individual cases or trying to impugn the decisions of the magistrates, who were applying the law, but I think it will assist in the consideration of the new clause if I share what some of the defendants wrote.

A 66-year-old man from Brockley wrote:

“I am a sick person with heart failure and other problems. I went to the allotment to get some greens as I don't eat meat. I am a pensioner struggling to pay my way and in debt already. I did not wish to break the law and if you check I have no criminal record since school over 50 years ago”.

He was given a £100 fine. A woman was fined £250 for accidentally breaking the rules when trying to drop off a birthday card at the house of a friend, with whom she was in a bubble. She said:

"I did not realise there would be other people present. I did not enter the property."

The review mandated by new clause 3 will assess how compatible the single justice procedure is with the principle of open justice. The review would also consider the appropriateness of the SJP for the prosecution of covid offences. The Joint Committee on Human Rights has stated:

"We are concerned that the single justice procedure is an inadequate tool to provide the necessary fair trial protections for people accused of offences that are so poorly understood and lacking in clarity and where so many mistakes have been made by enforcement authorities."

It is not just members of the public who have a poor understanding of the offences. The Prime Minister himself does not understand them—and he made them up. He does not seem to know when he is at his own birthday party.

I certainly share the concerns of Big Brother Watch, which has pointed out that, in an unprecedented step that acknowledged the complexities of the new offences, the Crown Prosecution Service committed to reviewing all charges made under the Health Protection (Coronavirus) Regulations 2020 and the Coronavirus Act 2020. Those monthly reviews have overturned hundreds of unlawful charges—18% under the regulations and 100% under the Act.

However, the majority of charges made under the regulations and the Act have not been reviewed as they have been brought using the single justice procedure. As we know already, some are incorrect. For instance, 37 people have been prosecuted under schedule 22 to the Act through the single justice procedure. Given that the offences were in relation to a schedule dealing with events and gatherings that has never been activated in England, those prosecutions simply cannot be lawful.

There are errors in about 10% of prosecutions brought under the SJP generally, and I imagine that that number is much higher for covid-19 offences. How we handle the criminalisation of certain behaviours in the pandemic will inform future emergency responses, so it is important that we reflect fully on how the criminal law was used and what lessons there are to be learned. I am sure that many Members will agree with me that the action of the Government on covid rules demonstrates that there is much for them to learn.

To finish, I emphasise again that Labour supports measures that will streamline and build efficiency into the justice system; it is vital that we do so to bring the backlog down. But we cannot compromise access to justice in the name of efficiency, so I hope that the Government will accept the new clause.

Sir Robert Neill: All in all, this is a valuable Bill and I welcome the Government amendments. I practised criminal law for the better part of 30 years before I came into the House—in both magistrates courts as a younger barrister and then predominantly in the Crown court, both prosecuting and defending. It never seemed logical that the legislative provision introduced by the Labour Government in 2003 had not actually been brought into force.

Much has changed since that time in the way magistrates operate—and for the better, frankly. It seems to me that there have been real efforts to make the bench more diverse, and those recruitment activities are continuing. As a Select Committee in the previous Parliament, we wrote a report about the magistracy—the first for a number of years—that recognised the value of the work that magistrates do. Since 2003, the sentencing guidelines have been developed to a high degree and they are available now to all benches as well.

Andy Carter: My hon. Friend mentioned a diverse bench. Does he agree that it is vital that employers think about the value of having employees on the bench? They should be considering that step in personal development for employees.

Sir Robert Neill: I salute my hon. Friend's work as a magistrate over many years. What he says is absolutely true, and the Justice Committee report picked the point up at the time. When I practised in parts of east and central London, magistrates benches used to have a very high number of what we would now term blue collar workers—frequently trade union officials and public sector workers. They were given time off. Some of the major employers—Ford at Dagenham in the old days, for example—used to allow employees time off to serve as magistrates. The courts were much the better for that. I hope that that can be encouraged and we should make it easier to achieve.

We should also look at magistrates' expenses, which have not been updated for very many years. We do not need legislation to do that, but we should make it worth people's while to serve and not leave them out of pocket. That is important.

When the Committee published the report and considered why the provisions in the Criminal Justice Act 2003 had not been brought into force, we questioned the evidential basis. At that time, the Ministry of Justice's line was that there was a risk of an adverse impact on the prison population, but we were never able to find any evidence to establish that. I think there is a bit of an urban myth that magistrates are heavier handed in sentencing than the Crown court would be. In fairness, when I first started, there might have been a bit of anecdotal evidence that I came across to support that view, but things have moved on over the years. The benches have a more sophisticated approach to sentencing and the guidelines have developed to such a degree that that dimension has changed.

James Daly: I truly wish that my hon. Friend had come to Bury magistrates court, then he would know a bench of magistrates who were willing to impose the stiffest possible sentences. My hon. Friend the Minister referred to the backlog, on which this debate is framed. I am a member of the Justice Committee, under the excellent chairmanship of my hon. Friend the Member for Bromley and Chislehurst (Sir Robert Neill). We should be considering the measures in terms not just of the backlog, but of the new offending that comes into the system. I believe the measures will give confidence to the police and to other partners in the criminal justice system that, instead of creating more backlog, by releasing more people under custody we can get them before the magistrates, sentenced and dealt with at the earliest opportunity.

Sir Robert Neill: I agree with my hon. Friend and recognise his experience in the field. I do not think this needs to be framed as a backlog-reducing measure. There is merit in the measure in its own right, as there was in 2003 when the Labour Government introduced it. With all due respect to the Minister, it does a bit of disservice to the measure to say it is done to reduce the backlog, and that it can be reversed. I would hope it would not be reversed; it is desirable in terms of a better allocation of case time, and it is a better use of court arrangements to keep lower level cases in the magistrates court.

A powerful point was made about the reduction in the number of committals for sentence and those cases when the magistrates refuse jurisdiction in relation to either-way offences. I do not think that will be eaten away by people electing that course of action needlessly, particularly if they have good and sound early legal advice.

That is where I think we can improve the system. Doing so does not require our legislating in this Bill, but we should make sure that when we revise the legal aid system, we front-load it so that there is proper legal advice available from solicitors at a very early opportunity to get informed pleas and early disclosure into the system. That will of itself be likely to keep more cases down at the magistrates court level, and would get more pleas. When they are confronted with the reality of the evidence, and with sound advice, more people will accept that they should enter a guilty plea when they have committed an offence.

That is the right way to deal with the issue, which is why I think the amendment is entirely justified in any event. Of course, it has to be applied on a national basis. The idea of a pilot never seemed realistic and would be against the principle of natural justice. It could not be right if there was a postcode lottery and someone could get a higher sentence in Bury than they could in Bromley because one was in the pilot. We either do it nationally or not at all, and the Government have made the right call.

I hope we will continue to invest in training and professional support for the magistracy, which again our Committee report called for.

Edward Timpson: We have to remember that magistrates sit not only in the criminal courts, but in the family proceedings courts. Support and advice, and the recruitment of magistrates, will be really important in making sure that children and families are also getting justice through the family court system.

Sir Robert Neill: That is entirely true. We know that there is sometimes a struggle to get sufficient magistrates to sit in the family jurisdiction. They are absolutely crucial. There is a separate piece of work that needs to be done, so that, as with early legal advice, informed decisions and choices are made. That applies in the magistrates court in the criminal jurisdiction and also to decisions that have to be taken in family court proceedings. I am a great believer that the lawyer is the best route into mediation in many family law cases. Having the magistrates end of the family jurisdiction treated seriously is really important for doing justice and for the early resolution of issues for the benefit of the parties and the children involved.

Alex Cunningham: The Chairman of the Justice Committee, as always, talks very clear sense. If we are going to have all these training programmes, attract people to the magistracy and everything else, we will need resources, so will he join me in encouraging the Lord Chancellor to go banging on the door of the Treasury to say that it is time that we took this matter seriously?

5.15 pm

Sir Robert Neill: I understand the spirit in which the shadow Minister makes that point. He will know that the Justice Committee has said on a number of occasions that we cannot get justice on the cheap. I accept that we cannot write blank cheques, but the fact is that the proportion of total public spending that goes on the court system is a fraction of a fraction. We get justice for a very small amount of overall public spending in this country and a modest increase in that could be entirely justified, even within the existing budgets. With the increase in the Department's allocation in the last spending, there is scope to do that. However, in terms of a greater reprioritisation of Government spending, more weight ought to be given to the importance of an effective justice system. It is a fundamental part of a democratic society and of the rule of law, and the magistracy are a key part of that.

I understand the spirit in which the shadow Minister spoke to a number of his amendments. I have sympathy with a lot of the thrust behind them and I hope that the Government will take them on board. I do not think that they need to be written in legislation, but there are issues relating to the way in which the single justice procedure operates. I am not against this—I think we have all seen what happens in magistrates courts when a bench sits in an entirely empty court going through a whole list of TV licence defaults or road traffic offences where nobody has attended. That is not a good use of time.

A fair point was raised with the Justice Committee about this issue in relation to open justice. More needs to be done to improve, for example, publication of the lists online so that people can be aware of what is happening and what can be done in relation to the publication of the results. That does not require legislation, but it should be invested in. Again, it is a small amount in the overall scheme of things.

I also share some of the concerns about the operation of the Common Platform. We have to accept that that is not necessarily a silver bullet; virtually no public sector IT system ever is. We have to continue to invest in it, but we cannot ultimately get around the fact that criminal justice—in fact, all justice systems—ultimately depends on the quality of the individuals in it. The technology is there to help, but ultimately, it is the good-quality lawyers, good-quality judges and good-quality probation professionals who help.

James Daly: My hon. Friend is making an excellent speech. On the justice system and quality individuals, does he, like me, welcome Sir Christopher Bellamy's report and recommendations, and would he encourage Front Benchers to take a very favourable view of them?

Sir Robert Neill: I know we are straying towards the edge of the topic, Madam Deputy Speaker, but I think this is germane, because to make these reforms to the

[*Sir Robert Neill*]

court system work, we have to invest in the professionals who operate in it. I welcome Sir Christopher's report; it is immensely well researched and immensely well written. The truth is that within the uplift in the Department's funding, there is scope, I say to the Minister, to implement Bellamy over the period of the spending round. I know that he has had constructive engagement already with Sir Christopher, and I urge him and his colleagues to continue to do so. We should thank Sir Christopher for his work.

I hope, therefore, that we will support the Government amendments. I hope that the Opposition will not press their amendments to a vote, but they raise legitimate issues that the Government should take on board. We all want to co-operate on having a court system that works. Efficiency should not be a matter of partisan debate, because justice must continue to be there, and the more settled arrangements we have across the House, the better confidence will be.

Finally, I express my thanks to magistrates. I have many friends who have served as magistrates. They do a very great public service, but the more magistrates we can get who are younger, the better. We have done pretty well on gender diversity, but we need to do more about recruiting magistrates from ethnic minority communities. That must continue to be a priority. I hope that that will be done by valuing the job; by giving them the resources, and that includes the physical resources and the buildings they sit in, many of which are pretty woeful; by a more imaginative approach to local justice—to where custody cases, for example, are not necessary and to listing cases nearer to people's homes—by making it easier for witnesses to get to courts, because that was a concern that we raised in our report on access to justice some years ago; and by encouraging the best-quality people to go into the work that is done at the sharp end. That work, actually, is largely in the solicitors' profession—I say that as a member of the Bar—because they are the people who do the police station call-outs, the early advice and the first appearances in front of magistrates. That is why Sir Christopher's report, in that regard, is very important.

Anne McLaughlin: You will be pleased to know, Madam Deputy Speaker, that most of the SNP's objections are around judicial review, so I have only two amendments that I want to speak to and I can do that within a couple of minutes to give other people time to speak.

The online procedure rule committee will potentially cover wide areas of law and will sometimes make rules applicable in completely distinct legal jurisdictions. The SNP is concerned about the lack of representation on the committee from Scotland. Amendments 40 and 41 would therefore ensure that someone with knowledge and experience of the Scottish legal system will be appointed to the committee and that appointment should be made by the Lord President of the Court of Session in Scotland. I cannot see any reason to say no to that. That would address the imbalance in the representation of the Scottish legal system and allow the Government to keep up their pretence about respect for Scotland ahead of an independence referendum.

I say to Labour colleagues—I do so gently because the Labour Members present were on the Committee and we very much enjoyed working collaboratively with

them—that I was a little disappointed that, with one notable exception, they abstained on amendments that would in effect have allowed Cart judicial reviews, or Eba judicial reviews as we call them, to remain in Scotland. I ask them to consider voting for this simple little measure so that we would have someone with experience and knowledge of the Scottish legal system to represent our system on the committee.

New clause 7 in my name would ensure the Bill's compatibility with article 6 of the European convention on human rights: the right to a fair trial. To return to the example I gave earlier about the employment tribunal fees judgment in 2017, if the Bill had been in place when that landmark ruling was handed down, no one would have had fees refunded, everyone would have continued to pay the unlawful fees and, going forward, the Government could have simply changed the unlawful so that it was lawful: in other words, there would be no point whatsoever in taking the Government or other public bodies to court. The chilling effect would be widespread. That is surely a breach of article 6, which gives people the right to a fair trial and an effective judicial remedy. The new clause would allow judges a way to disapply the Bill if they considered there was a breach.

Let me give one more example of a group of people who may be refused their rights to a fair trial if the Bill passes: those who require legal aid. To secure legal aid, applicants must be able to demonstrate a tangible benefit if their case is successful. As I and others have demonstrated, if the Bill is enacted, there will regularly be no tangible benefit. If the Government are trying to keep people on average and low incomes away from being able to bring judicial reviews and access justice, they are doing a very effective job, but they should at least be honest about that. They have said and will keep saying that the Bill is compatible with article 6, but surely that begs the question: why do they continue to resist any amendment to ensure compatibility?

Andy Carter: It is a pleasure to speak in the debate in support of the Government's new clause. The Minister and hon. Members will know that I continue to sit in magistrates courts; I am on the Merseyside bench at courthouses in Sefton in north Liverpool, in Liverpool city centre, in Birkenhead and occasionally in Chester and Crewe. I decided to do so because I felt that, as a Member of Parliament, it would be incredibly helpful and informative to continue to go into courts to understand the issues that magistrates and members of the legal profession face, as well as to hear and see those experiencing the criminal justice system from the other side.

In the last 10 years, I have seen tremendous change in the operation of the courts, which my hon. Friend the Member for Bromley and Chislehurst (Sir Robert Neill) mentioned, all of which has been designed to make the system more efficient. I think it is fair to say that some of the changes—closing court buildings in particular—have been pretty unpopular with members of the judiciary and members of the legal profession. After Dale Street magistrates court in the centre of Liverpool closed—a wonderful old building that had proper courts—and magistrates moved into the Queen Elizabeth II law courts where the Crown court is held, I wondered for a time what that would do to our magistrates courts. On reflection, knowing that four other buildings contained courthouses in Liverpool, I could completely understand

why those decisions were taken. The waste that we were seeing within the system was unjustifiable. Our ability to reduce the amount of buildings and focus on developing technology and investing in courthouses to improve the facilities is critical. The ability to invest in the number of professional judges sitting as district judges has enabled a swifter and more effective process in the magistrates courts.

Many members of the magistracy have seen the number of magistrates in the courts continue to fall, which is one of the concerns, and I am pleased that the Government are taking steps to address that. Another area of concern was the centralisation of certain types of cases in certain courthouses. Let me give the House an example. On Merseyside, all motoring offences are now dealt with in Birkenhead, so if a magistrate regularly sits only in Liverpool city centre, they will never come across a motoring case. It can sometimes be a bit of an issue for magistrates to get their head around such issues if they are faced with an appeal, or an issue that has been referred back to their court, and they have not dealt with a motoring offence for some time. I say to the Minister that the ability for all magistrates to deal with all issues is really pertinent in the criminal court.

As the Minister said, magistrates play a fundamental role in our society, covering the overwhelming majority of criminal cases that appear in our courts. I want to join hon. and right hon. Friends in paying tribute to the 13,000 magistrates in courthouses across England and Wales, and to recognise and put on record the sacrifices that they have made throughout the covid pandemic. The overwhelming majority of courthouses stayed open. The magistrates, who were all volunteers, turned up to do their public duty. We should recognise the value that that has given to local society up and down the country. They have ensured that speedy justice has been delivered. I saw magistrates adapting and moving into Nightingale courts in Liverpool, in the historic St George's Hall, where they continued to provide an outstanding service to the people of Merseyside and Cheshire.

The news this week that the Government are promoting a recruitment drive for 4,000 new magistrates is very welcome. They truly are the unsung heroes in our justice system. We need to ensure that people from every part of our society are represented in their ranks. I urge the Government to look at the recruitment process and the length of time it takes from applying to becoming a magistrate to actually sitting. I know many people who have applied to become a magistrate but who have fallen off during the process because it seems to be endless. The local advisory councils have historically been responsible for selecting magistrates. The Government need to consider that process carefully. The regular meeting of those advisory panels needs to be focused on.

I welcome the news that magistrates' sentencing powers will be increased from six months to 12 months to help drive down waiting times and bring the criminal justice process to a speedier resolution. As the Minister and the Opposition spokesman mentioned, I have raised this in the House on numerous occasions, and I am delighted to see that it is now moving forward. I thank the Minister for taking this forward and making it happen. Ministry of Justice figures show that victims are waiting more than 600 days for justice after crimes are committed to the Crown court, a rise of more than 50% in the past year. Such delays increase the pressure

on defendants, witnesses and victims of crime. The increase in sentencing powers will mean that less serious crimes can be heard much more speedily in magistrates courts, freeing up around 2,000 extra days in Crown courts.

James Daly: Based on his long experience in the magistracy, does my hon. Friend agree that the increase in sentencing powers is not going to have a great impact on the magistrates? They are not suddenly going to decide to send to prison everybody they previously would not have sent to prison because of that increase; it simply expands the sentencing range open to the court. I join my hon. Friend in praising our magistrates, who are experienced, common-sense people from their own communities who make decisions in the interests of justice.

5.30 pm

Andy Carter: My experience is that the overwhelming majority of magistrates will do everything they can to avoid passing a custodial sentence, and if a custodial sentence is required, a primary consideration is to look to suspend that sentence. Of course, all magistrates, no matter their length of service, sit with an experienced legal adviser who guides them through every step of the process from a legal perspective, so I absolutely agree with my hon. Friend that it will not make a significant difference in that respect.

I know that the idea of changing magistrates' sentencing powers has polarised opinions, with some saying that lay members of the judiciary should have no powers at all to impose custodial sentences. I am afraid I do not agree: magistrates play an important part in the sentencing process and the role of legal advisers in the courts ensures that the right sentence is given in the overwhelming majority of cases. The Minister mentioned that less than 1% of cases that go into magistrates courts appear in the Crown court for an appeal. I serve on a Crown court appeals panel and there are very few occasions on which I feel that something is wrong and the sentence given should be overturned.

The Minister mentioned that the increase in the retirement age for magistrates is covered in another Bill, but it is important that all these steps are taken together. My hon. Friend the Member for Eddisbury (Edward Timpson) introduced an excellent private Member's Bill to address the issue, which the Magistrates Association has looked at carefully. Many good, experienced magistrates—presiding justices who chair the benches—are approaching 70 or have gone over that age but can contribute significantly to the work of the courts.

I am delighted that the Government have addressed the issue and look forward to welcoming back colleagues with whom I have served who can bring their experience back into the courthouse. We must remember that when new magistrates are recruited they can sit as wingers for the first five years of their time in the court, and it is important that they sit with experienced magistrates. If we did not address that issue and all the magistrates were reaching retirement age, we would have a serious problem in respect of experienced presiding justices in the magistrates courts, so I am pleased that that increase is to happen.

I wish to touch for a moment on the proposal to make changes to local justice areas. I recognise the importance of local justice and defendants, victims and

[*Andy Carter*]

witnesses not having to travel too far to attend a courthouse, but from a magistrate's perspective there are some perverse issues with local justice areas. Let me give the House a couple of examples. I live on the border of Greater Manchester but operate in the Cheshire and Merseyside area. The courthouse in Greater Manchester is closer for me to get to, but because I am not in the Greater Manchester local justice area, I cannot sit in that court. That makes no sense at all, so I urge the Minister to look into new ways of thinking about local justice areas for magistrates so that they can sit in whichever courthouse is closest to them, no matter what local justice area might apply.

I was recently given another example by a magistrate who sits in Highbury but lives in Hertfordshire. His court in Highbury does not sit at the weekend—it has no operation at the weekend at all—so he is a working magistrate who is available to sit in the courthouse on Saturdays but, because he does not operate in the Hertfordshire local justice area, he is not able to sit at the weekend, when he is most available. It would be really valuable to create the flexibility for magistrates to sit in areas that are convenient for them and where they understand the pertinent local issues.

As I said, it is important that we recognise that defendants, victims and witnesses should not have to travel long distances and rack up travel costs. It is really important that justice is done locally and I would not want to see trials and cases listed for courts many miles away from the local area.

I want to talk briefly about technology. I have seen a number of different technologies used in courtrooms, and a number of different systems trialled—Common Platform has been mentioned—and one thing I have seen is that, whatever system is put in place, the legal advisers are brilliant at adapting how they operate, particularly in magistrates courts. I know that magistrates courts have had to make some changes recently and that some things are not quite as quick as they used to be, as legal advisers are recording cases at the same time. I think the Opposition spokesman talked about paper files. Any suggestion that we want to go back to using paper files in courthouses is really not the way forward. When I first started as a magistrate, we all had a big book containing all the sentencing guidelines. Everything is computerised now, and the ability to look up sentencing guidelines or to calculate fines on a laptop is really valuable. I think that all magistrates would recognise that, despite some early hesitancy, we now have a far better system.

My final comments on the changes in magistrates courts reflect the point I made earlier to my hon. Friend the Member for Bromley and Chislehurst about younger magistrates. The Young Magistrates Network has made some really good inroads into understanding the perspective of being a JP while holding down a full-time job. I welcome the extension of the retirement age, but we also need to think about how we have as wide a talent pool as possible. We should have on the bench hard-working members of society who are in employment. If we are getting to a situation where only retired people have the time to sit on the bench and are selected, that is really dangerous.

Importantly, I also think that parents should be encouraged to sit on the bench, particularly in youth courts, because the knowledge and experience of being a mum or dad can be so very valuable when talking to a young person appearing before a youth court.

Sir Robert Neill: My hon. Friend makes an important point about the youth courts. Does he agree that it is often not appreciated that the youth courts deal with very serious matters which, if they involved adult offenders, would undoubtedly go to the Crown court, and that requires not only the best possible lawyers, but the most experienced and diverse magistracy available to deal with those important cases, just as we would expect for a jury, with the same level of experience of the world that is brought to bear across the piece?

Andy Carter: My hon. Friend is absolutely correct. The sentencing powers of youth courts are already far greater than those in magistrates courts for criminal offences. I do not sit in youth courts, but I have observed them and I know that the conversation and dialogue that takes places between the bench and the young person who finds themselves in court is very different. We do need a really broad, balanced bench in the youth court. I encourage the Minister to look at what support he can give to encourage employed people and young people to come into the magistracy.

The Young Magistrates Network—it is co-ordinated by a young magistrate, Luke Rigg, who has done a marvellous job of looking at this area—has made some very good recommendations, which I think HMCTS is now considering as part of its review. We need to ensure that any recruitment campaign is targeted, using social media, in the right places. I encourage the Minister to look at the school governors' network, which has done a really good job of talking to employers about the value that somebody who is a school governor can bring to their business. I think that magistrates can also bring a tremendous amount to a business.

Since coming to this House, I have pushed for a number of things to happen in relation to the magistracy. I have raised three or four issues many times, so it is absolutely brilliant that the Minister is putting them all in the Bill. It is like all my birthdays coming at once: everything is happening on the right day. I am very supportive of the Bill. I thank the Minister for engaging with the magistracy and the Magistrates Association, for listening to JP colleagues and for the progress that we are making.

Janet Daby: It is always a pleasure to speak under your chairmanship, Mr Deputy Speaker. I fully support the Opposition amendments and the safeguards that my hon. Friend the Member for Stockton North (Alex Cunningham) outlined so eloquently, especially new clause 2 on online procedural assistance and new clause 3 on the review of the single justice procedure.

I will speak mainly about case backlogs and the online procedure rules in the Bill, but may I first say a few words in response to my constituency neighbour the hon. Member for Bromley and Chislehurst (Sir Robert Neill), the Chair of the Justice Committee? I was on the Justice Committee when it was looking at magistrates, and I remember many magistrates coming to meet us on the estate before covid.

I agree that we need to continue to appreciate our magistrates and make sure that they have the support they need to do their job extremely well. We also need to recognise that they have been vital during lockdown as key workers, in situations made extremely difficult by the backlogs that they have had to endure. I agree that we need younger magistrates and magistrates from more diverse backgrounds; as hon. Members may or may not know, there are also many judges from diverse backgrounds who want to be promoted up the ranks. We need to be mindful of ensuring a diverse bench of judges.

Mr Deputy Speaker, our

“criminal justice system is at breaking point.”

Those are not my words, but the words of Derek Sweeting QC, the then chair of the Bar Council. The backlog of criminal cases had pushed past 60,000 by June 2021 and is still increasing. To address it, we need to modernise our court systems. New technology can bring efficiency and help to address the backlog, but our drive to improve the court system should never come at the cost of safety or justice. For example, the online procedure rules set out in the Bill will enable more work to be completed remotely via the internet; one can see the immediate time-saving benefit, but the new rules risk excluding those without internet access or those who are less digitally literate. It is also vital that the online procedure rule committee that will shape the digital rules should reflect the diversity of Britain, which will help to protect the criminal justice system from further bias or any discrimination.

To ensure that all adequate safeguards are put in place, will the Minister commit to an independent pilot of the new technology before its general application? People in poverty do not necessarily have access to new technology, so we cannot take that access for granted or even assume that they are able to use the systems.

While it is important to explore modern solutions, we must not let that task distract us from the reality that our legal system simply needs more funding. There is no silver bullet to solve the crisis in our courts, and no magical technology will appear over the horizon to wipe away the vast number of backed-up cases. New technology and increased funding must go hand in hand. The National Audit Office recommended that £500 million of extra funding would be required between 2021 and 2024 to keep the backlog below 50,000. The Minister should follow that advice and promise that extra funding for our overburdened court systems.

James Cartlidge: It is a pleasure to follow the hon. Member for Lewisham East (Janet Daby), who makes a very good point about diversity. The new recruitment campaign that we have launched for magistrates this week is very clearly focused on attracting a more diverse audience of potential participants to consider joining the bench.

In fact, the Chair of the Justice Committee, my hon. Friend the Member for Bromley and Chislehurst (Sir Robert Neill), said that the increase in sentencing powers must not just be a backlog measure—and it is not. I will give a good example of that: on the day that we announced the change, I am reliably informed that “How do you become a magistrate?” was one of the trending searches on Google. The serious point is that the very fact of raising those powers shows our commitment to the

magistracy and, in my view, will help to attract more people, because it shows how seriously the Government are taking it.

5.45 pm

I wish my hon. Friend the Member for Warrington South (Andy Carter) many happy returns. I am delighted that, for his birthday present, he had the chance to talk about the realisation of one of the main measures that he has been calling for, which is the extension of sentencing powers. I have very much appreciated my engagement with him and other MPs who are or have been magistrates, and with the Magistrates Association. I will continue to engage on the many aspects that he talked about in terms of recruitment and how we work with employers. They were all excellent points.

To turn to the specific amendments that have been tabled, I will begin with the new clauses and amendments to the online procedure rule committee. New clause 2 relates to those who are digitally excluded and sets out duties to provide assistance to litigants or prospective litigants. We recognise that some users may have problems accessing digital services and may need help in starting or progressing their case online. I am committed to ensuring that access to justice remains available to all.

The measures in the Bill aim to direct most users through digital channels in the first instance, but I recognise that some users may experience challenges with accessing and using digital services. Paper forms and offline routes will therefore remain available and HMCTS is undertaking work to review those routes.

Support will be provided through We Are Digital’s network of partners, through a range of channels, to provide digital support. Users can even attend in-person appointments, as well as receive in-home face-to-face support where a trainer in the relevant region can attend the applicant’s home with any relevant equipment. Support is also available over the phone, as well as remote video support. There are also one-to-one video appointments to give support with navigating services to those who already have online access to them. I appreciate the point about safeguards when bringing in new measures online. I have taken that to heart and we discussed it at length in Committee. I hope that that assures hon. Members that significant support is in place.

Amendments 41 and 42 are related to the membership of the online procedure rule committee and seek to require the appointment of a dedicated member of the committee with specific knowledge of the Scottish legal system to be appointed by the Lord President of the Court of Session. To be clear, in the event of it being deemed necessary to have a dedicated member of the committee who is experienced in Scots law, the power in clause 23 enables the Lord Chancellor to amend clause 21 to change the specified membership of the committee. That makes more sense than requiring a member who is experienced in Scots law from the beginning as, under current plans to devolve employment tribunals in Scotland, the OPRC may never actually need to make any rules that cover Scottish tribunals before they become devolved.

On the amendments to the measures on criminal courts, new clause 3 would require the Government to commission a review and publish a report on the effectiveness of the single justice procedure within two months of the Bill being passed. The hon. Member

for Stockton North (Alex Cunningham) has taken a great interest in that and I enjoyed meeting him to talk in detail about it.

The single justice procedure is a more proportionate way of dealing with straightforward uncontested summary-only non-imprisonable offences, which almost exclusively result in a financial penalty. It is a matter for prosecutors to decide whether it is appropriate to prosecute a defendant under this procedure and magistrates will have the option to refer a case to open court if they consider that it would be inappropriate to deal with it in this way.

The procedure is entirely optional: defendants can choose at any point prior to their case being considered by a magistrate to have their case heard in court instead. Defendants have an automatic right of appeal to the Crown court against conviction and sentence. We are consistently working to improve the service provided under the procedure. Following consultation with users, we recently revised the single justice procedure notice to better identify vulnerable users and make the process even clearer.

We also work with the media to ensure that the process is accessible and open. One could argue that there is greater transparency for cases dealt with under the SJP, because while the criminal procedure rules oblige courts to give certain additional information on cases on request from the media and other interested third parties, courts are obliged to give more information on SJP cases to the media. Given the safeguards in place and our ongoing commitment to continually review and improve the single justice procedure process, I believe that a formal review of its effectiveness is unnecessary.

Amendments 36, 20 and 21 all deal with the new automatic online procedure and standard statutory penalty, which I will call the automatic online procedure. I do appreciate that this is a very new type of procedure for dealing with certain minor offences, and I recognise that hon. Members are concerned that it should be used appropriately. We all agree on that, and this is why, as I have said before, we have built a number of safeguards into clause 3. For instance, it is an entirely optional procedure, and it will remain the defendant's choice as to whether they wish to proceed with an automatic online conviction or opt for a traditional hearing in court, and they will be guided through the process so that they can make an informed decision.

Amendment 36 would require the Secretary of State to commission an independent review on the operation of clause 3 before it can be commenced. This report would need to address the potential impact, efficacy and operational issues of the new automatic procedure. As this is a new procedure, we cannot be certain of its impacts at this stage. That is why we are proceeding with caution and limiting its scope to three offences initially that clearly meet the criteria for eligibility.

Amendment 20 would require all defendants charged with an eligible offence, and considered appropriate to be offered the option to proceed with this new automatic online procedure, to first submit to an assessment of their physical and mental health. Only those defendants who do not have any vulnerabilities and disabilities would then be given the option of using this new procedure. It is worth mentioning that there is no requirement for a mental or health assessment under existing criminal court procedures such as the single justice procedure. As a result, the effect of this amendment

would be to considerably diminish the impact of this new procedure, which is intended to provide defendants with the option of having their case dealt with quickly online. There would be little or no reason for defendants to opt for this new procedure if the resolution of their case would be swifter under existing procedures.

Clause 3 already provides that only summary-only, non-imprisonable offences will be eligible under this new procedure. Amendment 21 would further restrict the use of this new procedure to non-recordable offences. Recordable offences are those for which the police are required to keep a record on their system. However, the vast majority of eligible offences in scope of this new procedure are non-recordable. Indeed, there are only two summary-only, non-imprisonable offences prosecuted under the single justice procedure that are recordable. As I have said, for an offence to be deemed eligible under this new procedure, it will have to be relatively straightforward and simple to prove, with no complex grounds and a high degree of consistency in sentencing.

I do recognise, however, that this is a novel approach for dealing with certain minor offences, which is why we are proceeding with caution and why we are committed to reviewing the operation of clause 3 before extending it any further to other similar non-recordable offences. Any such extension in the future would have to be done by regulations and would have to be debated and approved by Parliament.

Finally, amendment 22 seeks to prevent clause 9 from applying to criminal prosecutions against children. Subsection (5) has been specifically drafted for children in a way that recognises their increased vulnerability in the criminal justice system and provides additional safeguards for them. The clause creates one additional clearly defined set of circumstances in which it would be possible for the court to allocate a child's case in their absence. The conditions that will need to be met will be more stringent than those prescribed for adults, even though children do not share the same right as adults to elect for a jury trial.

As an addition to the pre-existing power to proceed in a child's absence due to their disorderly conduct in court, the clause will provide that the court can decide to proceed to allocate in absence where a child has been invited, but failed, to provide an online indication of plea, and either the court is satisfied they were served with a notice of the hearing or the child has already previously appeared at court to answer the charge. The court must then consider whether there is an acceptable reason for the child's absence, and it must be satisfied that it would not be contrary to the interests of justice for the hearing to proceed in the child's absence.

This provision must be viewed in the context of other existing safeguards in primary legislation that seek to ensure that child defendants and their parents have prior engagement with proceedings. We recognise that, in the majority of cases, the courts may not deem it appropriate to proceed with an allocation hearing in a child's absence—that will be an informed decision for the court—but where a court does consider it appropriate and in the interests of justice, this clause provides an important means of progressing cases and avoiding unnecessary delays.

On the European convention on human rights, new clause 7 would require the Act to be compatible with article 6 of the ECHR, and if a court finds a provision

of the Act is not compatible, then the court can make an order to prevent that provision from having any effect. As I said in Committee, I assure all hon. Members that none of the measures in the Bill contravenes article 6. When the Bill was introduced, the previous Lord Chancellor signed a statement under section 19(1)(a) of the Human Rights Act 1998 to confirm his view that the provisions in the Bill are compatible with the convention rights.

On all these measures, I hope I have reassured hon. Members that other than those tabled by the Government, the amendments in this group are not necessary and I urge hon. Members not to press them.

Question put and agreed to.

New clause 1 accordingly read a Second time and added to the Bill.

Mr Deputy Speaker (Mr Nigel Evans): We now come to amendment 20, which has been selected for separate decision.

Clause 3

AUTOMATIC ONLINE CONVICTION AND PENALTY FOR CERTAIN SUMMARY OFFENCES

Amendment proposed: 20, page 5, line 34, at end insert—

“(e) the prosecutor is satisfied that the accused does not have any vulnerabilities and disabilities that impede the ability of the accused to understand or effectively participate in proceedings, having undertaken a physical and mental health assessment.”

This amendment would require that all accused persons considered for automatic online convictions are subject to a health assessment, and that only those who do not have any vulnerabilities or disabilities are given the option of being convicted online.— (Alex Cunningham.)

Question put, That the amendment be made.

The House divided: Ayes 184, Noes 310.

Division No. 172]

[5.54

AYES

Abbott, rh Ms Diane	Clark, Feryal
Abrahams, Debbie	Cooper, Daisy
Ali, Rushanara	Cooper, rh Yvette
Ali, Tahir	Corbyn, rh Jeremy
Amesbury, Mike	Coyle, Neil
Anderson, Fleur	Creasy, Stella
Antoniazzi, Tonia	Cruddas, Jon
Ashworth, rh Jonathan	Cryer, John
Barker, Paula	Cummins, Judith
Begum, Apsana	Cunningham, Alex
Benn, rh Hilary	Daby, Janet
Betts, Mr Clive	Davey, rh Ed
Blomfield, Paul	David, Wayne
Bradshaw, rh Mr Ben	Davies, Geraint
Brown, Ms Lyn	De Cordova, Marsha
Brown, rh Mr Nicholas	Dhesi, Mr Tanmanjeet Singh
Bryant, Chris	Dodds, Anneliese
Buck, Ms Karen	Donaldson, rh Sir Jeffrey M.
Burgon, Richard	Dowd, Peter
Byrne, Ian	Duffield, Rosie
Byrne, rh Liam	Eagle, Maria
Campbell, rh Sir Alan	Eastwood, Colum
Campbell, Mr Gregory	Edwards, Jonathan
Carden, Dan	Elliott, Julie
Carmichael, rh Mr Alistair	Elmore, Chris
Cates, Miriam	Esterson, Bill
Chamberlain, Wendy	Evans, Chris
Champion, Sarah	Farron, Tim
Charalambous, Bambos	Farry, Stephen

Fletcher, Colleen
Fovargue, Yvonne
Foxcroft, Vicky
Furniss, Gill
Gardiner, Barry
Gill, Preet Kaur
Glendon, Mary
Green, Kate
Green, Sarah
Greenwood, Margaret
Griffith, Nia
Gwynne, Andrew
Haigh, Louise
Hanna, Claire
Harris, Carolyn
Hayes, Helen
Hillier, Dame Meg
Hobhouse, Wera
Hollern, Kate
Hopkins, Rachel
Howarth, rh Sir George
Huq, Dr Rupa
Hussain, Imran
Jardine, Christine
Johnson, rh Dame Diana
Jones, Darren
Jones, Gerald
Jones, rh Mr Kevan
Jones, Ruth
Kane, Mike
Keeley, Barbara
Kendall, Liz
Khan, Afzal
Kinnock, Stephen
Kyle, Peter
Lake, Ben
Lavery, Ian
Leadbeater, Kim
Lewell-Buck, Mrs Emma
Lewis, Clive
Lloyd, Tony
Lockhart, Carla
Long Bailey, Rebecca
Lucas, Caroline
Lynch, Holly
Madders, Justin
Mahmood, Mr Khalid
Maskell, Rachael
McCarthy, Kerry
McDonagh, Siobhain
McDonald, Andy
McFadden, rh Mr Pat
McGinn, Conor
McGovern, Alison
McKinnell, Catherine
McMahon, Jim
McMorrin, Anna
Mearns, Ian
Mishra, Navendu
Moran, Layla
Morden, Jessica
Morgan, Helen
Morgan, Stephen
Morris, Grahame
Murray, Ian

Murray, James
Nandy, Lisa
Nichols, Charlotte
Norris, Alex
Olney, Sarah
Onwurah, Chi
Oppong-Asare, Abena
Osamor, Kate
Owatemi, Taiwo
Owen, Sarah
Peacock, Stephanie
Pennycook, Matthew
Perkins, Mr Toby
Phillips, Jess
Phillipson, Bridget
Pollard, Luke
Powell, Lucy
Rayner, rh Angela
Reeves, Ellie
Reynolds, Jonathan
Ribeiro-Addy, Bell
Rimmer, Ms Marie
Robinson, Gavin
Rodda, Matt
Russell-Moyle, Lloyd
Shah, Naz
Shannon, Jim
Sharma, Mr Virendra
Sheerman, Mr Barry
Siddiq, Tulip
Slaughter, Andy
Smith, Jeff
Smith, Nick
Smyth, Karin
Sobel, Alex
Spellar, rh John
Stevens, Jo
Stone, Jamie
Streeting, Wes
Stringer, Graham
Sultana, Zarah
Tami, rh Mark
Tarry, Sam
Thomas-Symonds, rh Nick
Thornberry, rh Emily
Timms, rh Stephen
Turner, Karl
Twigg, Derek
Vaz, rh Valerie
West, Catherine
Western, Mr Alan
Whitehead, Dr Alan
Whitley, Mick
Whittome, Nadia
Williams, Hywel
Wilson, Munira
Wilson, rh Sammy
Winter, Beth
Yasin, Mohammad
Zeichner, Daniel

Tellers for the Ayes:

Liz Twist and
Lilian Greenwood

NOES

Afolami, Bim	Allan, Lucy
Afriyie, Adam	Anderson, Lee
Aiken, Nickie	Anderson, Stuart
Aldous, Peter	Andrew, rh Stuart

Ansell, Caroline
 Argar, Edward
 Atherton, Sarah
 Atkins, Victoria
 Bacon, Gareth
 Bacon, Mr Richard
 Badenoch, Kemi
 Bailey, Shaun
 Baillie, Siobhan
 Baker, Duncan
 Baker, Mr Steve
 Baynes, Simon
 Bell, Aaron
 Benton, Scott
 Beresford, Sir Paul
 Berry, rh Jake
 Bhatti, Saqib
 Blackman, Bob
 Blunt, Crispin
 Bone, Mr Peter
 Bottomley, Sir Peter
 Bowie, Andrew
 Bradley, Ben
 Bradley, rh Karen
 Brady, Sir Graham
 Braverman, rh Suella
 Brereton, Jack
 Bridgen, Andrew
 Brine, Steve
 Bristow, Paul
 Britcliffe, Sara
 Browne, Anthony
 Bruce, Fiona
 Buchan, Felicity
 Burghart, Alex
 Burns, rh Conor
 Butler, Rob
 Cairns, rh Alun
 Carter, Andy
 Cartledge, James
 Cash, Sir William
 Cates, Miriam
 Caulfield, Maria
 Chalk, Alex
 Chishti, Rehman
 Churchill, Jo
 Clark, rh Greg
 Clarke, rh Mr Simon
 Clarke, Theo
 Clarke-Smith, Brendan
 Clarkson, Chris
 Cleverly, rh James
 Coffey, rh Dr Thérèse
 Colburn, Elliot
 Collins, Damian
 Costa, Alberto
 Courts, Robert
 Coutinho, Claire
 Cox, rh Sir Geoffrey
 Crabb, rh Stephen
 Crosbie, Virginia
 Crouch, Tracey
 Daly, James
 Davies, David T. C.
 Davies, Gareth
 Davies, Dr James
 Davies, Mims
 Davies, Philip
 Davison, Dehenna
 Dines, Miss Sarah
 Djanogly, Mr Jonathan
 Donelan, rh Michelle

Double, Steve
 Doyle-Price, Jackie
 Drax, Richard
 Drummond, Mrs Flick
 Duguid, David
 Duncan Smith, rh Sir Iain
 Dunne, rh Philip
 Eastwood, Mark
 Edwards, Ruth
 Ellis, rh Michael
 Ellwood, rh Mr Tobias
 Elphicke, Mrs Natalie
 Eustice, rh George
 Evans, Dr Luke
 Evennett, rh Sir David
 Everitt, Ben
 Farris, Laura
 Fell, Simon
 Fletcher, Katherine
 Fletcher, Mark
 Fletcher, Nick
 Ford, Vicky
 Foster, Kevin
 Fox, rh Dr Liam
 Frazer, rh Lucy
 Freeman, George
 Freer, Mike
 French, Mr Louie
 Fuller, Richard
 Fysh, Mr Marcus
 Gale, rh Sir Roger
 Garnier, Mark
 Gibb, rh Nick
 Gibson, Peter
 Gideon, Jo
 Goodwill, rh Sir Robert
 Gove, rh Michael
 Graham, Richard
 Grant, Mrs Helen
 Gray, James
 Grayling, rh Chris
 Green, Chris
 Green, rh Damian
 Griffith, Andrew
 Griffiths, Kate
 Grundy, James
 Gullis, Jonathan
 Halfon, rh Robert
 Hall, Luke
 Hammond, Stephen
 Hands, rh Greg
 Harper, rh Mr Mark
 Harrison, Trudy
 Hart, Sally-Ann
 Hart, rh Simon
 Hayes, rh Sir John
 Heald, rh Sir Oliver
 Heaton-Harris, Chris
 Henderson, Gordon
 Henry, Darren
 Higginbotham, Antony
 Hinds, rh Damian
 Hoare, Simon
 Holden, Mr Richard
 Hollinrake, Kevin
 Hollobone, Mr Philip
 Holloway, Adam
 Holmes, Paul
 Howell, Paul
 Huddleston, Nigel
 Hudson, Dr Neil
 Hughes, Eddie

Hunt, Jane
 Hunt, Tom
 Jack, rh Mr Alister
 Jayawardena, Mr Ranil
 Jenkin, Sir Bernard
 Jenkyns, Andrea
 Johnson, rh Boris
 Johnson, Dr Caroline
 Johnson, Gareth
 Johnston, David
 Jones, Andrew
 Jones, rh Mr David
 Jones, Mr Marcus
 Jupp, Simon
 Kearns, Alicia
 Keegan, Gillian
 Knight, rh Sir Greg
 Knight, Julian
 Lamont, John
 Langan, Robert
 Latham, Mrs Pauline
 Leadsom, rh Dame Andrea
 Leigh, rh Sir Edward
 Lewer, Andrew
 Lewis, rh Brandon
 Lewis, rh Dr Julian
 Loder, Chris
 Logan, Mark
 Longhi, Marco
 Lopez, Julia
 Lopresti, Jack
 Lord, Mr Jonathan
 Loughton, Tim
 Mackinlay, Craig
 Mackrory, Cherylyn
 Maclean, Rachel
 Mak, Alan
 Malthouse, rh Kit
 Mangnall, Anthony
 Marson, Julie
 May, rh Mrs Theresa
 Mayhew, Jerome
 Maynard, Paul
 McCartney, Jason
 McCartney, Karl
 McPartland, Stephen
 Menzies, Mark
 Merriman, Huw
 Metcalfe, Stephen
 Millar, Robin
 Miller, rh Mrs Maria
 Milling, rh Amanda
 Mills, Nigel
 Mitchell, rh Mr Andrew
 Mohindra, Mr Gagan
 Moore, Damien
 Mordaunt, rh Penny
 Morris, Anne Marie
 Morris, David
 Morris, James
 Mortimer, Jill
 Morton, Wendy
 Mullan, Dr Kieran
 Mumby-Croft, Holly
 Mundell, rh David
 Murray, Mrs Sheryll
 Murrison, rh Dr Andrew
 Neill, Sir Robert
 Nici, Lia
 Nokes, rh Caroline
 Norman, rh Jesse
 O'Brien, Neil

Offord, Dr Matthew
 Opperman, Guy
 Parish, Neil
 Pawsey, Mark
 Penning, rh Sir Mike
 Penrose, John
 Percy, Andrew
 Philp, Chris
 Pincher, rh Christopher
 Poulter, Dr Dan
 Pow, Rebecca
 Prentis, Victoria
 Pritchard, rh Mark
 Pursglove, Tom
 Quince, Will
 Randall, Tom
 Knight, rh Sir Greg
 Rees-Mogg, rh Mr Jacob
 Richards, Nicola
 Richardson, Angela
 Roberts, Rob
 Robertson, Mr Laurence
 Robinson, Mary
 Rowley, Lee
 Russell, Dean
 Rutley, David
 Sambrook, Gary
 Saxby, Selaine
 Scully, Paul
 Selous, Andrew
 Shelbrooke, rh Alec
 Simmonds, David
 Skidmore, rh Chris
 Smith, Chloe
 Smith, Greg
 Smith, Henry
 Smith, rh Julian
 Spencer, Dr Ben
 Spencer, rh Mark
 Stafford, Alexander
 Stephenson, Andrew
 Stevenson, Jane
 Stevenson, John
 Stewart, rh Bob
 Stewart, Iain
 Streeter, Sir Gary
 Stride, rh Mel
 Stuart, Graham
 Sturdy, Julian
 Sunderland, James
 Swayne, rh Sir Desmond
 Syms, Sir Robert
 Thomas, Derek
 Throup, Maggie
 Timpson, Edward
 Tolhurst, Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Trevelyan, rh Anne-Marie
 Trott, Laura
 Vara, Shailesh
 Vickers, Martin
 Vickers, Matt
 Villiers, rh Theresa
 Walker, Sir Charles
 Walker, Mr Robin
 Wallis, Dr Jamie
 Warburton, David
 Warman, Matt
 Watling, Giles
 Webb, Suzanne

Wheeler, Mrs Heather
Whittaker, Craig
Whittingdale, rh Mr John
Wiggin, Sir Bill
Wild, James
Williams, Craig
Williamson, rh Gavin

Wood, Mike
Young, Jacob
Zahawi, rh Nadhim

Tellers for the Noes:
Amanda Solloway and
Scott Mann

Question accordingly negatived.

6.8 pm

Proceedings interrupted (Programme Order, this day).

The Deputy Speaker put forthwith the Questions necessary for the disposal of the business to be concluded at that time (Standing Order No. 83E).

Clause 9

POWERS TO PROCEED IF ACCUSED ABSENT FROM
ALLOCATION HEARING

Amendment proposed: 22, page 26, line 1, leave out subsection (5).—(Alex Cunningham.)

This amendment would remove cases involving children and young people from the provisions of clause 9.

Question put, That the amendment be made.

The House divided: Ayes 176, Noes 316.

Division No. 173]

[6.9 pm

AYES

Abbott, rh Ms Diane	Davies, Geraint
Abrahams, Debbie	De Cordova, Marsha
Ali, Rushanara	Dhesi, Mr Tanmanjeet Singh
Ali, Tahir	Dodds, Anneliese
Anderson, Fleur	Dowd, Peter
Antoniazzi, Tonia	Duffield, Rosie
Ashworth, rh Jonathan	Eagle, Maria
Barker, Paula	Eastwood, Colum
Begum, Apsana	Edwards, Jonathan
Benn, rh Hilary	Elliott, Julie
Betts, Mr Clive	Elmore, Chris
Blomfield, Paul	Esterson, Bill
Bradshaw, rh Mr Ben	Evans, Chris
Brown, Ms Lyn	Farron, Tim
Brown, rh Mr Nicholas	Farry, Stephen
Bryant, Chris	Fletcher, Colleen
Buck, Ms Karen	Fovargue, Yvonne
Burgon, Richard	Foxcroft, Vicky
Byrne, Ian	Furniss, Gill
Byrne, rh Liam	Gardiner, Barry
Campbell, rh Sir Alan	Gill, Preet Kaur
Carden, Dan	Glendon, Mary
Carmichael, rh Mr Alistair	Green, Kate
Chamberlain, Wendy	Green, Sarah
Champion, Sarah	Greenwood, Margaret
Charalambous, Bambos	Griffith, Nia
Clark, Feryal	Gwynne, Andrew
Cooper, Daisy	Haigh, Louise
Cooper, rh Yvette	Hamilton, Fabian
Corbyn, rh Jeremy	Hanna, Claire
Coyle, Neil	Harris, Carolyn
Creasy, Stella (<i>Proxy vote</i>	Hayes, Helen
<i>cast by Chris Elmore</i>)	Hillier, Dame Meg
Cruddas, Jon	Hobhouse, Wera
Cryer, John	Hollern, Kate
Cummins, Judith	Hopkins, Rachel
Cunningham, Alex	Howarth, rh Sir George
Daby, Janet	Huq, Dr Rupa
Davey, rh Ed	Hussain, Imran
David, Wayne	Jardine, Christine

Johnson, rh Dame Diana
Jones, Darren
Jones, Gerald
Jones, rh Mr Kevan
Jones, Ruth
Kane, Mike
Keeley, Barbara
Kendall, Liz (*Proxy vote cast*
by Pat McFadden)
Khan, Afzal
Kinnock, Stephen
Kyle, Peter
Lake, Ben
Lavery, Ian
Leadbeater, Kim
Lewell-Buck, Mrs Emma
Lewis, Clive
Lloyd, Tony
Long Bailey, Rebecca
Lucas, Caroline
Lynch, Holly
Madders, Justin
Mahmood, Mr Khalid
Mahmood, Shabana
Maskell, Rachael
McCarthy, Kerry
McDonagh, Siobhain
McDonald, Andy
McFadden, rh Mr Pat
McGinn, Conor
McGovern, Alison
McKinnell, Catherine
McMahon, Jim
McMorris, Anna
Mearns, Ian
Mishra, Navendu
Moran, Layla
Morden, Jessica
Morgan, Helen
Morgan, Stephen
Morris, Grahame
Murray, Ian
Murray, James
Nandy, Lisa
Nichols, Charlotte
Norris, Alex
Olney, Sarah
Onwurah, Chi
Oppong-Asare, Abena
Osamor, Kate
Owatemi, Taiwo

Owen, Sarah
Peacock, Stephanie
Pennycook, Matthew
Perkins, Mr Toby
Phillips, Jess
Phillipson, Bridget
Pollard, Luke
Rayner, rh Angela
Reeves, Ellie
Reynolds, Jonathan
Ribeiro-Addy, Bell
Rimmer, Ms Marie
Rodda, Matt
Russell-Moyle, Lloyd
Shah, Naz
Sharma, Mr Virendra
Sheerman, Mr Barry
Siddiq, Tulip
Slaughter, Andy
Smith, Jeff
Smith, Nick
Smyth, Karin
Sobel, Alex
Spellar, rh John
Stevens, Jo
Stone, Jamie
Streeting, Wes
Stringer, Graham
Sultana, Zarah
Tami, rh Mark
Tarry, Sam
Thomas-Symonds, rh Nick
Thornberry, rh Emily
Timms, rh Stephen
Turner, Karl
Twigg, Derek
Vaz, rh Valerie
West, Catherine
Western, Matt
Whitehead, Dr Alan
Whitley, Mick
Whittome, Nadia
Williams, Hywel
Wilson, Munira
Winter, Beth
Yasin, Mohammad
Zeichner, Daniel

Tellers for the Ayes:
Lilian Greenwood and
Liz Twist

NOES

Adams, rh Nigel	Baker, Duncan
Afolami, Bim	Baker, Mr Steve
Afriyie, Adam	Baynes, Simon
Aiken, Nickie	Bell, Aaron
Aldous, Peter	Benton, Scott
Allan, Lucy	Beresford, Sir Paul
Anderson, Lee	Berry, rh Jake
Anderson, Stuart	Bhatti, Saqib
Andrew, rh Stuart	Blackman, Bob
Ansell, Caroline	Blunt, Crispin
Argar, Edward	Bone, Mr Peter
Atherton, Sarah	Bottomley, Sir Peter
Atkins, Victoria	Bowie, Andrew
Bacon, Gareth	Bradley, Ben
Bacon, Mr Richard	Bradley, rh Karen
Badenoch, Kemi	Brady, Sir Graham
Bailey, Shaun	Braverman, rh Suella
Baillie, Siobhan	

Brereton, Jack
 Bridgen, Andrew
 Brine, Steve
 Bristow, Paul
 Britcliffe, Sara
 Browne, Anthony
 Bruce, Fiona
 Buchan, Felicity
 Burghart, Alex
 Burns, rh Conor
 Butler, Rob
 Campbell, Mr Gregory
 Carter, Andy
 Cartlidge, James
 Cash, Sir William
 Cates, Miriam
 Caulfield, Maria
 Chalk, Alex
 Chishti, Rehman
 Churchill, Jo
 Clark, rh Greg
 Clarke, rh Mr Simon
 Clarke, Theo
 Clarke-Smith, Brendan
 Clarkson, Chris
 Cleverly, rh James
 Coffey, rh Dr Thérèse
 Colburn, Elliot
 Collins, Damian
 Costa, Alberto
 Courts, Robert
 Coutinho, Claire
 Cox, rh Sir Geoffrey
 Crabb, rh Stephen
 Crosbie, Virginia
 Crouch, Tracey
 Daly, James
 Davies, David T. C.
 Davies, Gareth
 Davies, Dr James
 Davies, Mims
 Davies, Philip
 Davison, Dehenna
 Dines, Miss Sarah
 Djanogly, Mr Jonathan
 Donaldson, rh Sir Jeffrey M.
 Donelan, rh Michelle
 Double, Steve
 Doyle-Price, Jackie
 Drax, Richard
 Drummond, Mrs Flick
 Duguid, David
 Duncan Smith, rh Sir Iain
 Dunne, rh Philip
 Eastwood, Mark
 Edwards, Ruth
 Ellis, rh Michael
 Ellwood, rh Mr Tobias
 Elphicke, Mrs Natalie
 Eustice, rh George
 Evans, Dr Luke
 Evennett, rh Sir David
 Everitt, Ben
 Farris, Laura
 Fell, Simon
 Fletcher, Katherine
 Fletcher, Mark
 Fletcher, Nick
 Ford, Vicky
 Foster, Kevin
 Fox, rh Dr Liam

Frazer, rh Lucy
 Freeman, George
 Freer, Mike
 French, Mr Louie
 Fuller, Richard
 Fysh, Mr Marcus
 Gale, rh Sir Roger
 Garnier, Mark
 Gibb, rh Nick
 Gibson, Peter
 Gideon, Jo
 Goodwill, rh Sir Robert
 Gove, rh Michael
 Graham, Richard
 Grant, Mrs Helen
 Gray, James
 Grayling, rh Chris
 Green, Chris
 Green, rh Damian
 Griffith, Andrew
 Griffiths, Kate
 Grundy, James
 Gullis, Jonathan
 Halfon, rh Robert
 Hall, Luke
 Hammond, Stephen
 Hands, rh Greg
 Harper, rh Mr Mark
 Harrison, Trudy
 Hart, Sally-Ann
 Hart, rh Simon
 Hayes, rh Sir John
 Heald, rh Sir Oliver
 Heaton-Harris, Chris
 Henderson, Gordon
 Henry, Darren
 Higginbotham, Antony
 Hinds, rh Damian
 Hoare, Simon
 Holden, Mr Richard
 Hollinrake, Kevin
 Hollobone, Mr Philip
 Holloway, Adam
 Holmes, Paul
 Howell, Paul
 Huddleston, Nigel
 Hudson, Dr Neil
 Hughes, Eddie
 Hunt, Jane
 Hunt, Tom
 Jack, rh Mr Alister
 Jayawardena, Mr Ranil
 Jenkin, Sir Bernard
 Jenkyns, Andrea
 Johnson, rh Boris
 Johnson, Dr Caroline
 Johnson, Gareth
 Johnston, David
 Jones, Andrew
 Jones, rh Mr David
 Jones, Mr Marcus
 Jupp, Simon
 Kearns, Alicia
 Keegan, Gillian
 Knight, rh Sir Greg
 Knight, Julian
 Kruger, Danny
 Lamont, John
 Largan, Robert
 Latham, Mrs Pauline
 Leadsom, rh Dame Andrea
 Leigh, rh Sir Edward

Lewer, Andrew
 Lewis, rh Dr Julian
 Lockhart, Carla
 Loder, Chris
 Logan, Mark
 Longhi, Marco
 Lopez, Julia
 Lopresti, Jack
 Lord, Mr Jonathan
 Loughton, Tim
 Mackinlay, Craig
 Mackrory, Cherylyn
 Maclean, Rachel
 Mak, Alan
 Malthouse, rh Kit
 Mangnall, Anthony
 Marson, Julie
 May, rh Mrs Theresa
 Mayhew, Jerome
 Maynard, Paul
 McCartney, Jason
 McCartney, Karl
 McPartland, Stephen
 Menzies, Mark
 Merriman, Huw
 Metcalfe, Stephen
 Millar, Robin
 Miller, rh Mrs Maria
 Milling, rh Amanda
 Mills, Nigel
 Mitchell, rh Mr Andrew
 Mohindra, Mr Gagan
 Moore, Damien
 Mordaunt, rh Penny
 Morris, Anne Marie
 Morris, David
 Morris, James
 Mortimer, Jill
 Morton, Wendy
 Mullan, Dr Kieran
 Mumby-Croft, Holly
 Mundell, rh David
 Murray, Mrs Sheryll
 Murrison, rh Dr Andrew
 Neill, Sir Robert
 Nici, Lia
 Nokes, rh Caroline
 Norman, rh Jesse
 O'Brien, Neil
 Offord, Dr Matthew
 Opperman, Guy
 Parish, Neil
 Pawsey, Mark
 Penning, rh Sir Mike
 Penrose, John
 Percy, Andrew
 Philp, Chris
 Pincher, rh Christopher
 Poulter, Dr Dan
 Pow, Rebecca
 Prentis, Victoria
 Pritchard, rh Mark
 Pursglove, Tom
 Quince, Will
 Randall, Tom
 Redwood, rh John
 Rees-Mogg, rh Mr Jacob
 Richards, Nicola
 Richardson, Angela
 Roberts, Rob

Robertson, Mr Laurence
 Robinson, Gavin
 Robinson, Mary
 Rosindell, Andrew
 Rowley, Lee
 Russell, Dean
 Rutley, David
 Sambrook, Gary
 Saxby, Selaine
 Scully, Paul
 Selous, Andrew
 Shannon, Jim
 Shelbrooke, rh Alec
 Simmonds, David
 Skidmore, rh Chris
 Smith, Chloe
 Smith, Greg
 Smith, Henry
 Smith, rh Julian
 Smith, Royston
 Spencer, Dr Ben
 Spencer, rh Mark
 Stafford, Alexander
 Stephenson, Andrew
 Stevenson, Jane
 Stevenson, John
 Stewart, rh Bob
 Stewart, Iain
 Streeter, Sir Gary
 Stride, rh Mel
 Stuart, Graham
 Sturdy, Julian
 Sunderland, James
 Swayne, rh Sir Desmond
 Syms, Sir Robert
 Thomas, Derek
 Throup, Maggie
 Timpson, Edward
 Tolhurst, Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Trevelyan, rh Anne-Marie
 Trott, Laura
 Vara, Shailesh
 Vickers, Martin
 Vickers, Matt
 Villiers, rh Theresa
 Walker, Sir Charles
 Walker, Mr Robin
 Wallis, Dr Jamie
 Warburton, David
 Warman, Matt
 Watling, Giles
 Webb, Suzanne
 Wheeler, Mrs Heather
 Whittaker, Craig
 Whittingdale, rh Mr John
 Wiggin, Sir Bill
 Wild, James
 Williamson, rh Gavin
 Wilson, rh Sammy
 Wood, Mike
 Young, Jacob
 Zahawi, rh Nadhim

Tellers for the Noes:
 Scott Mann and
 Amanda Solloway

Question accordingly negated.

Clause 21**THE ONLINE PROCEDURE RULE COMMITTEE**

Amendment proposed: 41, page 39, line 30, at end insert—

‘(4A) The Lord President of the Court of Session is to appoint one person with experience in and knowledge of the Scottish legal system.’ —(*Anne McLaughlin.*)

This amendment would require the Online Procedure Committee to include a person with experience in and knowledge of the Scottish legal system, appointed by the Lord President of the Court of Session.

Question put, That the amendment be made.

The House divided: Ayes 220, Noes 315.

Division No. 174]**[6.20 pm****AYES**

Abbott, rh Ms Diane
Abrahams, Debbie
Ali, Rushanara
Ali, Tahir
Amesbury, Mike
Anderson, Fleur
Antoniazzi, Tonia
Ashworth, rh Jonathan
Bardell, Hannah
Barker, Paula
Begum, Apsana
Benn, rh Hilary
Betts, Mr Clive
Black, Mhairi
Blackford, rh Ian
Blackman, Kirsty
Blomfield, Paul
Bonnar, Steven
Bradshaw, rh Mr Ben
Brock, Deidre
Brown, Alan
Brown, Ms Lyn
Bryant, Chris
Buck, Ms Karen
Burgon, Richard
Byrne, Ian
Byrne, rh Liam
Cameron, Dr Lisa
Campbell, rh Sir Alan
Carden, Dan
Carmichael, rh Mr Alistair
Chamberlain, Wendy
Champion, Sarah
Chapman, Douglas
Charalambous, Bambos
Cherry, Joanna
Clark, Feryal
Cooper, Daisy
Cooper, rh Yvette
Corbyn, rh Jeremy
Cowan, Ronnie
Coyle, Neil
Crawley, Angela (*Proxy vote cast by Owen Thompson*)
Creasy, Stella (*Proxy vote cast by Chris Elmore*)
Cruddas, Jon
Cryer, John
Cummins, Judith
Cunningham, Alex
Daby, Janet
Davey, rh Ed
David, Wayne
Davies, Geraint
Day, Martyn
De Cordova, Marsha
Dhesi, Mr Tanmanjeet Singh
Docherty-Hughes, Martin
Dodds, Anneliese
Doogan, Dave
Dorans, Allan
Dowd, Peter
Duffield, Rosie
Eagle, Maria
Eastwood, Colum
Edwards, Jonathan
Elliott, Julie
Elmore, Chris
Esterson, Bill
Evans, Chris
Farron, Tim
Farry, Stephen
Ferrier, Margaret
Fletcher, Colleen
Flynn, Stephen
Fovargue, Yvonne
Foxcroft, Vicky
Furniss, Gill
Gardiner, Barry
Gibson, Patricia
Gill, Preet Kaur
Glindon, Mary
Grady, Patrick
Grant, Peter
Green, Kate
Green, Sarah
Greenwood, Lilian
Greenwood, Margaret
Griffith, Nia
Gwynne, Andrew
Haigh, Louise
Hamilton, Fabian
Hanna, Claire
Hanvey, Neale
Harris, Carolyn
Hayes, Helen
Hendry, Drew
Hillier, Dame Meg
Hobhouse, Wera
Hollern, Kate
Hopkins, Rachel
Hosie, rh Stewart
Howarth, rh Sir George
Huq, Dr Rupa
Hussain, Imran
Jardine, Christine
Johnson, rh Dame Diana
Jones, Darren

Jones, Gerald
Jones, rh Mr Kevan
Jones, Ruth
Kane, Mike
Keeley, Barbara
Kendall, Liz (*Proxy vote cast by Pat McFadden*)
Khan, Afzal
Kinnock, Stephen
Kyle, Peter
Lake, Ben
Lavery, Ian
Law, Chris
Leadbeater, Kim
Lewell-Buck, Mrs Emma
Lewis, Clive
Lloyd, Tony
Long Bailey, Rebecca
Lucas, Caroline
Lynch, Holly
MacNeil, Angus Brendan
Madders, Justin
Mahmood, Mr Khalid
Mahmood, Shabana
Maskell, Rachael
Mc Nally, John
McCarthy, Kerry
McDonald, Andy
McDonald, Stewart Malcolm
McDonald, Stuart C.
McFadden, rh Mr Pat
McGinn, Conor
McGovern, Alison
McKinnell, Catherine
McLaughlin, Anne
McMahon, Jim
McMorris, Anna
Mearns, Ian
Mishra, Navendu
Monaghan, Carol
Moran, Layla
Morden, Jessica
Morgan, Helen
Morgan, Stephen
Morris, Grahame
Murray, Ian
Murray, James
Newlands, Gavin
Nichols, Charlotte
Nicolson, John
Norris, Alex
O'Hara, Brendan
Olney, Sarah
Onwurah, Chi
Oppong-Asare, Abena
Osamor, Kate
Oswald, Kirsten
Owatemi, Taiwo
Owen, Sarah

Peacock, Stephanie
Pennycook, Matthew
Perkins, Mr Toby
Phillips, Jess
Phillipson, Bridget
Pollard, Luke
Powell, Lucy
Qaisar, Ms Anum
Rayner, rh Angela
Reeves, Ellie
Reynolds, Jonathan
Ribeiro-Addy, Bell
Rimmer, Ms Marie
Rodda, Matt
Russell-Moyle, Lloyd
Shah, Naz
Sharma, Mr Virendra
Sheerman, Mr Barry
Siddiq, Tulip
Slaughter, Andy
Smith, Alyn
Smith, Jeff
Smith, Nick
Smyth, Karin
Sobel, Alex
Spellar, rh John
Stephens, Chris
Stevens, Jo
Stone, Jamie
Streeting, Wes
Stringer, Graham
Sultana, Zarah
Tami, rh Mark
Tarry, Sam
Thewliss, Alison
Thomas-Symonds, rh Nick
Thompson, Owen
Thornberry, rh Emily
Timms, rh Stephen
Twigg, Derek
Twist, Liz
Vaz, rh Valerie
West, Catherine
Western, Matt
Whitehead, Dr Alan
Whitford, Dr Philippa
Whitley, Mick
Whittome, Nadia
Williams, Hywel
Wilson, Munira
Winter, Beth
Wishart, Pete
Yasin, Mohammad
Zeichner, Daniel

Tellers for the Ayes:

**Marion Fellows and
Richard Thomson**

NOES

Adams, rh Nigel
Afolami, Bim
Afriyie, Adam
Aiken, Nickie
Aldous, Peter
Allan, Lucy
Anderson, Lee
Anderson, Stuart
Andrew, rh Stuart
Ansell, Caroline
Argar, Edward
Atherton, Sarah
Atkins, Victoria
Bacon, Gareth
Bacon, Mr Richard
Badenoch, Kemi
Bailey, Shaun
Baillie, Siobhan
Baker, Duncan
Baker, Mr Steve

Baynes, Simon
 Bell, Aaron
 Benton, Scott
 Beresford, Sir Paul
 Berry, rh Jake
 Bhatti, Saqib
 Blackman, Bob
 Blunt, Crispin
 Bone, Mr Peter
 Bottomley, Sir Peter
 Bowie, Andrew
 Bradley, Ben
 Bradley, rh Karen
 Brady, Sir Graham
 Braverman, rh Suella
 Brereton, Jack
 Bridgen, Andrew
 Brine, Steve
 Bristow, Paul
 Britcliffe, Sara
 Browne, Anthony
 Bruce, Fiona
 Buchan, Felicity
 Burghart, Alex
 Burns, rh Conor
 Butler, Rob
 Cairns, rh Alun
 Campbell, Mr Gregory
 Carter, Andy
 Cartledge, James
 Cash, Sir William
 Cates, Miriam
 Caulfield, Maria
 Chalk, Alex
 Chishti, Rehman
 Churchill, Jo
 Clark, rh Greg
 Clarke, rh Mr Simon
 Clarke, Theo
 Clarke-Smith, Brendan
 Clarkson, Chris
 Cleverly, rh James
 Coffey, rh Dr Thérèse
 Colburn, Elliot
 Collins, Damian
 Costa, Alberto
 Courts, Robert
 Coutinho, Claire
 Cox, rh Sir Geoffrey
 Crabb, rh Stephen
 Crosbie, Virginia
 Crouch, Tracey
 Daly, James
 Davies, David T. C.
 Davies, Gareth
 Davies, Dr James
 Davies, Mims
 Davies, Philip
 Davison, Dehenna
 Dines, Miss Sarah
 Djanogly, Mr Jonathan
 Donaldson, rh Sir Jeffrey M.
 Donelan, rh Michelle
 Double, Steve
 Doyle-Price, Jackie
 Drax, Richard
 Drummond, Mrs Flick
 Duguid, David
 Duncan Smith, rh Sir Iain
 Dunne, rh Philip
 Eastwood, Mark
 Edwards, Ruth

Ellis, rh Michael
 Ellwood, rh Mr Tobias
 Elphicke, Mrs Natalie
 Eustice, rh George
 Evans, Dr Luke
 Evennett, rh Sir David
 Everitt, Ben
 Farris, Laura
 Fell, Simon
 Fletcher, Mark
 Fletcher, Nick
 Ford, Vicky
 Foster, Kevin
 Fox, rh Dr Liam
 Frazer, rh Lucy
 Freeman, George
 Freer, Mike
 French, Mr Louie
 Fuller, Richard
 Fysh, Mr Marcus
 Gale, rh Sir Roger
 Garnier, Mark
 Gibb, rh Nick
 Gibson, Peter
 Gideon, Jo
 Goodwill, rh Sir Robert
 Gove, rh Michael
 Graham, Richard
 Grant, Mrs Helen
 Gray, James
 Grayling, rh Chris
 Green, Chris
 Green, rh Damian
 Griffith, Andrew
 Griffiths, Kate
 Grundy, James
 Gullis, Jonathan
 Halfon, rh Robert
 Hall, Luke
 Hammond, Stephen
 Hands, rh Greg
 Harper, rh Mr Mark
 Harris, Rebecca
 Harrison, Trudy
 Hart, Sally-Ann
 Hart, rh Simon
 Hayes, rh Sir John
 Heald, rh Sir Oliver
 Heaton-Harris, Chris
 Henderson, Gordon
 Henry, Darren
 Higginbotham, Antony
 Hinds, rh Damian
 Hoare, Simon
 Holden, Mr Richard
 Hollinrake, Kevin
 Hollobone, Mr Philip
 Holmes, Paul
 Howell, Paul
 Huddleston, Nigel
 Hudson, Dr Neil
 Hughes, Eddie
 Hunt, Jane
 Hunt, Tom
 Jack, rh Mr Alister
 Jayawardena, Mr Ranil
 Jenkin, Sir Bernard
 Jenkyns, Andrea
 Johnson, rh Boris
 Johnson, Dr Caroline
 Johnson, Gareth
 Johnston, David

Jones, Andrew
 Jones, rh Mr David
 Jones, Mr Marcus
 Jupp, Simon
 Kearns, Alicia
 Keegan, Gillian
 Knight, rh Sir Greg
 Knight, Julian
 Kruger, Danny
 Lamont, John
 Largan, Robert
 Latham, Mrs Pauline
 Leadsom, rh Dame Andrea
 Leigh, rh Sir Edward
 Lewer, Andrew
 Lewis, rh Brandon
 Lewis, rh Dr Julian
 Lockhart, Carla
 Loder, Chris
 Logan, Mark
 Longhi, Marco
 Lopresti, Jack
 Lord, Mr Jonathan
 Loughton, Tim
 Mackinlay, Craig
 Mackrory, Cherilyn
 Maclean, Rachel
 Mak, Alan
 Malthouse, rh Kit
 Mangnall, Anthony
 Marson, Julie
 May, rh Mrs Theresa
 Mayhew, Jerome
 Maynard, Paul
 McCartney, Jason
 McCartney, Karl
 McPartland, Stephen
 Menzies, Mark
 Merriman, Huw
 Metcalfe, Stephen
 Millar, Robin
 Miller, rh Mrs Maria
 Milling, rh Amanda
 Mills, Nigel
 Mitchell, rh Mr Andrew
 Mohindra, Mr Gagan
 Moore, Damien
 Mordaunt, rh Penny
 Morris, Anne Marie
 Morris, David
 Morris, James
 Mortimer, Jill
 Morton, Wendy
 Mullan, Dr Kieran
 Mumby-Croft, Holly
 Mundell, rh David
 Murray, Mrs Sheryll
 Murrison, rh Dr Andrew
 Neill, Sir Robert
 Nici, Lia
 Nokes, rh Caroline
 Norman, rh Jesse
 O'Brien, Neil
 Offord, Dr Matthew
 Opperman, Guy
 Parish, Neil
 Pawsey, Mark
 Penning, rh Sir Mike
 Penrose, John
 Percy, Andrew
 Philp, Chris
 Pincher, rh Christopher

Poulter, Dr Dan
 Pow, Rebecca
 Prentis, Victoria
 Pritchard, rh Mark
 Pursglove, Tom
 Quince, Will
 Randall, Tom
 Redwood, rh John
 Rees-Mogg, rh Mr Jacob
 Richards, Nicola
 Richardson, Angela
 Roberts, Rob
 Robertson, Mr Laurence
 Robinson, Gavin
 Robinson, Mary
 Rowley, Lee
 Russell, Dean
 Rutley, David
 Sambrook, Gary
 Saxby, Selaine
 Scully, Paul
 Selous, Andrew
 Shanon, Jim
 Shelbrooke, rh Alec
 Simmonds, David
 Skidmore, rh Chris
 Smith, Chloe
 Smith, Greg
 Smith, Henry
 Smith, rh Julian
 Smith, Royston
 Spencer, Dr Ben
 Spencer, rh Mark
 Stafford, Alexander
 Stephenson, Andrew
 Stevenson, Jane
 Stevenson, John
 Stewart, rh Bob
 Stewart, Iain
 Streeter, Sir Gary
 Stride, rh Mel
 Stuart, Graham
 Sturdy, Julian
 Sunderland, James
 Swayne, rh Sir Desmond
 Syms, Sir Robert
 Thomas, Derek
 Throup, Maggie
 Timpson, Edward
 Tolhurst, Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Trevelyan, rh Anne-Marie
 Trott, Laura
 Vara, Shailesh
 Vickers, Martin
 Vickers, Matt
 Villiers, rh Theresa
 Walker, Sir Charles
 Walker, Mr Robin
 Wallis, Dr Jamie
 Warburton, David
 Warman, Matt
 Watling, Giles
 Webb, Suzanne
 Wheeler, Mrs Heather
 Whittaker, Craig
 Whittingdale, rh Mr John
 Wiggin, Sir Bill
 Wild, James
 Williams, Craig

Williamson, rh Gavin
Wilson, rh Sammy
Wood, Mike
Young, Jacob

Zahawi, rh Nadhim
Tellers for the Noes:
Amanda Solloway and
Scott Mann

Question accordingly negated.

Clause 46

EXTENT

Amendment made: 7, page 55, line 27, at end insert—

“(za) section (Maximum term of imprisonment on summary conviction for either-way offence)(6) to (11);”. —(*James Cartlidge.*)

This amendment provides for the free-standing provision in NC1 to extend only to England and Wales.

Clause 47

COMMENCEMENT AND TRANSITIONAL PROVISION

Amendment made: 8, page 56, line 2, leave out subsection (1) and insert—

“(1) The following provisions of this Act come into force on the day on which this Act is passed—

- (a) section (Maximum term of imprisonment on summary conviction for either-way offence);
- (b) paragraphs 16 to 20 of Schedule 2, and section 17 so far as relating to those paragraphs (but see, in relation to the amendments made by paragraphs 19 and 20 of that Schedule, section 336 of the Criminal Justice Act 2003 and section 417 of the Sentencing Act 2020 respectively);
- (c) this Part.” —(*James Cartlidge.*)

This amendment provides for NC1 to come into force on Royal Assent.

Schedule 2

CRIMINAL PROCEDURE: CONSEQUENTIAL AND RELATED AMENDMENTS

Amendment made: 9, page 72, line 18, at end insert—

“Amendments in connection with section (Maximum term of imprisonment on summary conviction for either-way offence)

16 In section 133 of the Magistrates’ Courts Act 1980 (consecutive terms of imprisonment)—

- (a) in subsection (1), for ‘6 months’ substitute ‘the longest term that could be imposed in respect of any one of the offences for which a term of imprisonment is being imposed’;
- (b) in subsection (2), for ‘6 months’ substitute ‘the longest term otherwise permitted by subsection (1) (if less than 12 months)’.

17 In section 141(5A) of the Environmental Protection Act 1990 (maximum terms for offences under regulations about waste imports and exports), in paragraph (b), for ‘twelve months’ substitute ‘the general limit in a magistrates’ court’.

18 In section 113(10A) of the Scotland Act 1998 (maximum terms for offences under subordinate legislation under that Act), in paragraph (b), for ‘twelve months’ substitute ‘the general limit in a magistrates’ court’.

19 (1) The Criminal Justice Act 2003 is amended as follows.

(2) In section 155(2) (amendment of section 133(1) of the Magistrates’ Courts Act 1980), for “‘6 months’” substitute ‘the words from “the longest” to “being imposed”’.

(3) In section 283 (power to amend powers to make offences punishable with imprisonment)—

- (a) in subsection (1)—
 - (i) omit ‘or (3)’;
 - (ii) omit paragraph (b);
- (b) omit subsection (3).

20 In Part 5 of Schedule 22 to the Sentencing Act 2020 (prospective amendments of the Sentencing Code in relation to custodial sentences)—

- (a) omit paragraph 24;
- (b) before paragraph 25 insert—

‘24A In section 224(1A)(a) (general limit on custodial sentence for summary offence in magistrates’ court), for “6 months” substitute “12 months”.’ —(*James Cartlidge.*)

This amendment inserts technical amendments in connection with NC1.

Schedule 5

EMPLOYMENT TRIBUNAL PROCEDURE RULES: FURTHER PROVISION

Amendments made: 10, page 83, line 5, at beginning insert “Reconsideration or”.

This amendment is consequential on Amendment 11.

Amendment 11, page 83, line 6, after “to” insert “reconsider or”.

This amendment allows the terminology of “reconsideration” to be used as an alternative to “review” in employment tribunal procedure.

Amendment 12, page 85, line 33, at end insert—

“(1A) For the heading substitute ‘Preliminary hearings’.”

This amendment is consequential on Amendments 13 and 17.

Amendment 13, page 85, line 36, leave out “pre-hearing review” and insert “preliminary hearing”.

This amendment and Amendment 17 rename “pre-hearing reviews” as “preliminary hearings” in employment tribunal procedure.

Amendment 14, page 86, line 2, leave out “pre-hearing review” and insert “hearing”.

This amendment is consequential on Amendments 13 and 17.

Amendment 15, page 86, line 6, at end insert—

“(ai) for ‘pre-hearing review’ substitute ‘preliminary hearing’;”.

This amendment is consequential on Amendments 13 and 17.

Amendment 16, page 86, line 14, leave out sub-paragraph (5) and insert—

“(5) For subsection (2A) substitute—

‘(2A) Procedure Rules may not enable a power of striking out to be exercised in a preliminary hearing on a ground which does not apply outside a preliminary hearing.’”

This amendment is consequential on Amendments 13 and 17.

Amendment 17, page 86, line 22, leave out “pre-hearing review” means a review of” and insert “preliminary hearing” means a hearing in”.

See the explanatory statement for Amendment 13.

Amendment 18, page 87, line 10, at end insert—

“9A In section 12A(9) (subsequent award of compensation not to necessitate review of financial penalties), in the words before paragraph (a), after ‘be’ insert ‘reconsidered or’.”

This amendment is consequential on Amendment 11.

Amendment 19, page 88, line 20, at end insert—

“(b) in subsection (3), in paragraphs (a) and (b), after ‘being’ insert ‘reconsidered or’.” —(*James Cartlidge.*)

This amendment is consequential on Amendment 11.

Third Reading

6.32 pm

James Cartlidge: I beg to move, That the Bill be now read the Third time.

[James Cartlidge]

The Bill has received careful and sometimes impassioned scrutiny from Members on both sides of the House, and I thank all hon. and right hon. Members who have contributed. Were I to summarise the Bill in a nutshell, I would say that its common thread was streamlining our courts, not least so that we can bear down on the backlog that has built up during the pandemic.

Joanna Cherry: The Minister says that the Bill has received careful scrutiny. Does he agree that it is unfortunate that this Bill, which seeks to limit the jurisdiction of the Court of Session in Scotland, to use his own words from his letter to me dated 11 November, has not received the scrutiny of the Scottish Parliament, within whose purview the jurisdiction of the Court of Session and judicial review lie?

James Cartlidge: I respect the hon. and learned Lady's considerable expertise in these matters. I did write to her on that, and I think I answered that question earlier. We scrutinised the Bill in great detail in Committee, but I accept the strength of her view on that point.

Part 1 of the Bill strengthens judicial review, ensuring that it continues to serve justice and good public administration. This would not have been possible without Lord Faulks and his panel, who produced an independent review of administrative law. Their thorough work in this area is of great importance and laid the foundations for the measures in the Bill. As it stands, the Bill delivers on commitments that we made ahead of the last general election. It offers more flexibility to judges and puts more tools in the judicial toolbox.

The reforms in part 2 modernise and improve aspects of the court and tribunal system. The measures support court and tribunal recovery, and deliver improvements to the criminal justice system and to coronial processes. They build on the lessons of the pandemic and will increase the efficiency, adaptability and resilience of our justice system.

Today we have also included provision in the Bill for a power to vary the maximum sentence that the magistrates court may give for a single triable-either-way offence. This is part of our plan to extend the sentencing power of magistrates, so that we can keep more sentence hearings out of the Crown court, freeing up capacity to help us to tackle the backlog more quickly. That extension will help us to retain more cases in the magistrates courts, reducing the flow of cases into the Crown court, and will help to support recovery in the Crown court, where it is so important. It is estimated that it will save around 2,000 Crown court sitting days per year, which is the equivalent of 500 jury trials, allowing us to reduce the backlog more quickly.

I thank all hon. Members who contributed to debate on the Bill, particularly the members of the Bill Committee, during which time we made some clarificatory amendments to the Bill. I also thank the witnesses who joined us in Committee; the range of contributions from experts of considerable esteem greatly enriched our debates. Finally, it would be remiss of me not to thank the excellent officials from the Ministry of Justice, whose support has been invaluable throughout. I commend the Bill to the House.

6.35 pm

Alex Cunningham: This has been an interesting Bill in process, although we still do not really see the need for many of the sweeping changes that the Government are proposing. I reiterate that the Minister has worked collaboratively with us, but sadly could not agree the changes that we proposed, which would have vastly improved this largely unnecessary Bill. I am grateful to my hon. Friend the Member for Hammersmith (Andy Slaughter) for partnering me through the Bill, and my hon. Friends the Members for Lewisham East (Janet Daby), for Liverpool, Wavertree (Paula Barker) and for Luton North (Sarah Owen) for helping to hold the Government to account. Thanks, too, to all the others who were involved in the process.

Let me be clear: there is simply no need to change the judicial review process. The Ministry of Justice is trying to fix something that is not broken. The Government should instead be spending their time tackling the record backlog and protecting victims of serious crime. The Government's changes to judicial review will have a chilling effect on justice, deterring members of the public from bringing claims against public bodies and leaving many other victims of unlawful actions without any redress.

The proposed reforms go beyond what was recommended by the expert panel set up to advise us, with no evidence to back up this overreach. The proposals are also based on figures that the Government have accepted were completely inaccurate. With the Government's review of the Human Rights Act on the horizon, this is only the latest proposal to make it harder for ordinary members of the public to hold public institutions to account.

It is always useful to have a current example to illustrate what the impact of the Government's draft legislation is likely to be. This afternoon—I hope the Minister is aware of this—there was a judicial review result, after disabled people challenged the Work and Pensions Secretary for failing to properly consult on the national disability strategy. The Government lost—yet again, another judgment lost. Does the Minister wish to intervene on me and tell me whether that particular challenge, and correction of an injustice, would have been possible if the provisions in the Bill had been in play today? Clearly, the Minister does not want to intervene.

We had high hopes for the coroner aspects of the Bill, but sadly it does not address the existing problems with the coroner service. Even more sadly, the Government have missed the opportunity to introduce automatic support for bereaved families at inquests where the state is represented. That is not justice; it is justice denied. On Report, I talked about the Government's drive to apply more and more processes originally intended for adults, to children and young people. They set a precedent in the Police, Crime, Sentencing and Courts Bill, failing time and again to safeguard one of our most vulnerable groups.

More generally, I cannot for the life of me understand why the Government are fighting shy of protecting vulnerable people from the provisions of the Bill. The Government have refused to instigate health checks and other measures to ensure that, when people do engage with online justice, they know exactly what they are doing and the potential consequences. Again, that is not justice.

We did not want to stand in the way of improving our courts system—we know it needs massive improvement—but overall, this is a bad Bill and we shall vote against it.

6.39 pm

Sir Robert Neill: I have great respect for the hon. Member for Stockton North (Alex Cunningham), but I am afraid I have to disagree with his characterisation of the Bill. It makes modest reforms, which seem sensible. Although I accept that the changes to judicial review are not uncontroversial, they are not a wholesale attack. I would not support them if they were. It is important to recognise that judicial review is fundamental. We need to get that on the record. It is an absolutely necessary part of the checks and balances. It can be refined, but it must never be undermined in principle. I do not believe that the Bill does that.

It is important that we properly fund the system that enables the courts to deal with judicial reviews and other matters. In fairness, there is a missed opportunity. I agree with the shadow Minister about funding for families of bereaved persons at inquests. The Justice Committee's report advocated that and I hope that the Government will not give up on it, but revisit it because there is an equality of arms argument here. That is not a reason to vote against the Bill, but I think that the Government have missed a trick and I hope they will reconsider that.

The changes to the criminal justice system are worthwhile in themselves, but it is important that the Government did not go greatly beyond the report by Lord Faulks, whom we should congratulate again. I hope the Government will adopt the same approach to the review by Sir Peter Gross. Sometimes less is more.

6.40 pm

Anne McLaughlin: I reiterate that we vehemently oppose much of the Bill. Nothing that has been said today or during the Bill's passage has done anything to allay my fears or those of my party.

I thank the people who were involved in the proceedings because a lot of hard work went on. I thank hon. Friends in my party who spoke and my hon. Friend the Member for Lanark and Hamilton East (Angela Crawley) who sat on the Bill Committee with me. Despite my ticking-off earlier, I thoroughly enjoyed working with Labour colleagues on the Committee. The Clerks did a fantastic job. The Clerks in the Public Bill Office could not be more helpful in walking and talking us through each of the different stages. It does not matter how many times we do it—maybe it does matter, but at my stage, it is important that there is someone there to guide us, and I thank the Clerks. I thank my hon. Friend the Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald) for all his guidance and advice, the researchers from the SNP team, Aaron Lukas and Matt Hamill, and my own researcher, Michael Bannister, who I relied on heavily to get through much of this. I mean “get through” in terms of what we were talking about, not just getting through mentally, although he helped with that as well.

It is not over. We just need to look back to last week and what happened in the House of Lords. I never thought I would hear myself saying this, but come on

the Lords and let us see what they will do with the Bill. *[Laughter.]* Maybe my friends on the Labour Benches will not be laughing at my next point, but there is another option for Scotland.

Scotland will soon be given the opportunity to take the option of saying, “If you're going to disrespect the Scottish legal system, the Scottish Government and the people of Scotland, on you go, but we will take our own path and choose independence.” I do not expect many “Hear, hear”s from my Labour friends there, but Scotland has another way and we will choose that path. Of that I have no doubt.

Today I gave the Government the opportunity at least to pretend that they had a bit of respect for Scotland. They did not take it and they have just given us more grist to the mill. That is about the only thing I can thank them for.

Again, I thank everybody for the experience and we will see where the Bill goes from here.

6.43 pm

Marco Longhi: Tributes should be paid to the judges and legal professionals who have kept our courts operational during the pandemic to the best of their ability, using technology to do so, much as we have during the last two years. It must be our priority to break through the backlog in the criminal courts, partly caused by the pandemic. Just yesterday, I received details of an awful assault in 2019 in my constituency that will be heard in court only in 2023. That delay prevents victims from receiving justice in a timely manner, does not allow closure and can delay access to the Criminal Injuries Compensation Authority.

The Bill Committee, of which I was a member, heard evidence from specialist witnesses that implementing the Bill would save time and make our courts more efficient and effective. If I have learned anything during the pandemic, however, it has only entrenched my belief that the Opposition seek to hold us back: they voted against the Bill, they have just said that they will do so again, and they claim that there is no need for reform of judicial review. As with everything they do, there is dithering and delay. Our justice system and our constituents would be far worse off if they were in charge.

There is no area of the law that allows individuals, families, local government, business and so on to have more than two bites of the cherry in court—with one exception, namely illegal immigration appeals. That is another reason why the Opposition disagree with the Bill: because they are quite happy for the country to continue being a magnet for illegal immigration. When challenged in Committee, not once did an Opposition Member explain why illegal immigration should benefit from a third bite.

The Bill includes provision to ease the backlog in criminal courts and introduces measures to reduce the strain on magistrates courts. It also introduces a new online common platform, which will allow those who so wish to conduct all pre-trial proceedings online. Just as our parliamentary activities have benefited from being supplemented by virtual alternatives—I emphasise that they have been supplemented, not replaced—so can our legal sector benefit.

6.45 pm

Nick Fletcher (Don Valley) (Con): It is a pleasure to speak in this debate. I will speak only briefly, but it is so important that I do. I was elected on the Government's promise to take back control. With this Bill and the Nationality and Borders Bill, I think we are moving in the right direction to make sure that that happens.

I want to speak about two points. I had a third point to make about magistrates, but my hon. Friend the Member for Warrington South (Andy Carter) has already spoken excellently about the issue.

Andy Carter: At length.

Nick Fletcher: And at length, yes.

My first point is about allowing adult defendants to plead guilty to, and accept a pre-determined penalty for, minor offences online. Over the past two years, an increasing number of services, from schools to banking, have moved primarily online, at least temporarily. Although some people have found the online experience frustrating at times, and although in most cases I believe that in-person services should resume, in this instance I support going online.

My main point is about Cart JR. It is a question of court resources, but it also relates to an issue about which my constituents frequently contact me: immigration. Most judicial reviews against the upper tribunal relate to immigration cases. I understand that some cases are quite complex, but others appear to be no more than an abuse of the judicial process through endless, meritless appeals. As the Justice Secretary has noted in previous debates on the Bill, the success rate is hardly above 3%—an appalling statistic.

It is difficult to defend the UK's immigration system to my constituents as fair and effective when they see in the news that hundreds of people arrive via the channel every week, yet the processes that we have in place seem to allow anyone to stay, regardless of how well-founded any claim is. The message that they are getting is that it does not matter whether someone is a genuine refugee: as long as they are prepared for a protracted legal battle, with legal aid at the taxpayer's expense, they can stay for years, if not indefinitely. As I know from my casework, that does not incline my constituents to see all asylum applicants as potential refugees; on the contrary, it leads them to see all asylum applicants as willing to abuse the legal system. That perception may not be well founded, but it is understandable.

I am sure that such behaviour can be justified, but when the entire judicial system is under unprecedented pressure after nearly two years of the pandemic, it is especially ridiculous. We need every hour of the judiciary's time that we have. I therefore commend the Bill and will happily support it.

Question put, That the Bill be now read the Third time.

The House divided: Ayes 310, Noes 211.

Division No. 175]

[6.48 pm

AYES

Adams, rh Nigel	Aldous, Peter
Afolami, Bim	Allan, Lucy
Afriyie, Adam	Anderson, Lee
Aiken, Nickie	Anderson, Stuart

Andrew, rh Stuart
Ansell, Caroline
Argar, Edward
Atherton, Sarah
Atkins, Victoria
Bacon, Gareth
Bacon, Mr Richard
Badenoch, Kemi
Bailey, Shaun
Baillie, Siobhan
Baker, Duncan
Baker, Mr Steve
Barclay, rh Steve
Baynes, Simon
Bell, Aaron
Benton, Scott
Beresford, Sir Paul
Berry, rh Jake
Bhatti, Saqib
Blackman, Bob
Blunt, Crispin
Bone, Mr Peter
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Bradley, rh Karen
Brady, Sir Graham
Braverman, rh Suella
Brereton, Jack
Bridgen, Andrew
Brine, Steve
Bristow, Paul
Britcliffe, Sara
Browne, Anthony
Bruce, Fiona
Buchan, Felicity
Buckland, rh Sir Robert
Burghart, Alex
Burns, rh Conor
Butler, Rob
Campbell, Mr Gregory
Carter, Andy
Cartlidge, James
Cash, Sir William
Caulfield, Maria
Chalk, Alex
Chishtii, Rehman
Churchill, Jo
Clark, rh Greg
Clarke, rh Mr Simon
Clarke, Theo
Clarke-Smith, Brendan
Clarkson, Chris
Cleverly, rh James
Coffey, rh Dr Thérèse
Colburn, Elliot
Collins, Damian
Costa, Alberto
Courts, Robert
Coutinho, Claire
Crabb, rh Stephen
Crosbie, Virginia
Crouch, Tracey
Daly, James
Davies, David T. C.
Davies, Gareth
Davies, Dr James
Davies, Mims
Davison, Dehenna
Dines, Miss Sarah
Djanogly, Mr Jonathan
Donaldson, rh Sir Jeffrey M.

Donelan, rh Michelle
Double, Steve
Doyle-Price, Jackie
Drax, Richard
Drummond, Mrs Flick
Duguid, David
Duncan Smith, rh Sir Iain
Dunne, rh Philip
Eastwood, Mark
Edwards, Ruth
Ellis, rh Michael
Ellwood, rh Mr Tobias
Elphicke, Mrs Natalie
Eustice, rh George
Evans, Dr Luke
Evennett, rh Sir David
Everitt, Ben
Farris, Laura
Fell, Simon
Fletcher, Katherine
Fletcher, Mark
Fletcher, Nick
Ford, Vicky
Foster, Kevin
Fox, rh Dr Liam
Frazer, rh Lucy
Freeman, George
Freer, Mike
French, Mr Louie
Fuller, Richard
Fysh, Mr Marcus
Gale, rh Sir Roger
Garnier, Mark
Gibb, rh Nick
Gibson, Peter
Gideon, Jo
Goodwill, rh Sir Robert
Gove, rh Michael
Graham, Richard
Grant, Mrs Helen
Gray, James
Grayling, rh Chris
Green, Chris
Green, rh Damian
Griffith, Andrew
Griffiths, Kate
Grundy, James
Gullis, Jonathan
Halfon, rh Robert
Hall, Luke
Hammond, Stephen
Hands, rh Greg
Harper, rh Mr Mark
Harris, Rebecca
Harrison, Trudy
Hart, Sally-Ann
Hart, rh Simon
Hayes, rh Sir John
Heald, rh Sir Oliver
Heaton-Harris, Chris
Henderson, Gordon
Henry, Darren
Higginbotham, Antony
Hinds, rh Damian
Hoare, Simon
Holden, Mr Richard
Hollinrake, Kevin
Hollobone, Mr Philip
Holloway, Adam
Holmes, Paul
Howell, Paul
Huddleston, Nigel

Hudson, Dr Neil
 Hughes, Eddie
 Hunt, Jane
 Hunt, Tom
 Jack, rh Mr Alister
 Jayawardena, Mr Ranil
 Jenkin, Sir Bernard
 Jenkyns, Andrea
 Johnson, Dr Caroline
 Johnson, Gareth
 Johnston, David
 Jones, Andrew
 Jones, rh Mr David
 Jones, Mr Marcus
 Jupp, Simon
 Kearns, Alicia
 Keegan, Gillian
 Knight, rh Sir Greg
 Knight, Julian
 Kruger, Danny
 Lamont, John
 Largan, Robert
 Latham, Mrs Pauline
 Leadsom, rh Dame Andrea
 Leigh, rh Sir Edward
 Lewer, Andrew
 Lewis, rh Brandon
 Lewis, rh Dr Julian
 Lockhart, Carla
 Loder, Chris
 Logan, Mark
 Longhi, Marco
 Lopez, Julia
 Lopresti, Jack
 Lord, Mr Jonathan
 Loughton, Tim
 Mackinlay, Craig
 Mackrory, Cherilyn
 Maclean, Rachel
 Mak, Alan
 Malthouse, rh Kit
 Marson, Julie
 May, rh Mrs Theresa
 Mayhew, Jerome
 Maynard, Paul
 McCartney, Jason
 McCartney, Karl
 McPartland, Stephen
 Menzies, Mark
 Merriman, Huw
 Metcalfe, Stephen
 Millar, Robin
 Miller, rh Mrs Maria
 Milling, rh Amanda
 Mills, Nigel
 Mitchell, rh Mr Andrew
 Mohindra, Mr Gagan
 Moore, Damien
 Mordaunt, rh Penny
 Morris, Anne Marie
 Morris, James
 Mortimer, Jill
 Morton, Wendy
 Mullan, Dr Kieran
 Mumby-Croft, Holly
 Mundell, rh David
 Murray, Mrs Sheryll
 Murrison, rh Dr Andrew
 Neill, Sir Robert
 Nici, Lia
 Nokes, rh Caroline
 Norman, rh Jesse

O'Brien, Neil
 Offord, Dr Matthew
 Opperman, Guy
 Parish, Neil
 Pawsey, Mark
 Penning, rh Sir Mike
 Penrose, John
 Percy, Andrew
 Philp, Chris
 Pincher, rh Christopher
 Poulter, Dr Dan
 Pow, Rebecca
 Prentis, Victoria
 Pritchard, rh Mark
 Pursglove, Tom
 Quince, Will
 Randall, Tom
 Redwood, rh John
 Rees-Mogg, rh Mr Jacob
 Richards, Nicola
 Richardson, Angela
 Roberts, Rob
 Robertson, Mr Laurence
 Robinson, Gavin
 Robinson, Mary
 Rowley, Lee
 Russell, Dean
 Rutley, David
 Sambrook, Gary
 Saxby, Selaine
 Scully, Paul
 Selous, Andrew
 Shannon, Jim
 Shelbrooke, rh Alec
 Simmonds, David
 Skidmore, rh Chris
 Smith, Chloe
 Smith, Greg
 Smith, Henry
 Smith, rh Julian
 Smith, Royston
 Spencer, Dr Ben
 Spencer, rh Mark
 Stafford, Alexander
 Stephenson, Andrew
 Stevenson, Jane
 Stevenson, John
 Stewart, rh Bob
 Stewart, Iain
 Streeter, Sir Gary
 Stuart, Graham
 Syms, Sir Robert
 Thomas, Derek
 Throup, Maggie
 Timpson, Edward
 Tolhurst, Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Trevelyan, rh Anne-Marie
 Trott, Laura
 Vara, Shailesh
 Vickers, Martin
 Vickers, Matt
 Villiers, rh Theresa
 Walker, Sir Charles
 Walker, Mr Robin
 Wallis, Dr Jamie
 Warburton, David
 Warman, Matt
 Watling, Giles
 Webb, Suzanne

Wheeler, Mrs Heather
 Whittaker, Craig
 Whittingdale, rh Mr John
 Wiggin, Sir Bill
 Wild, James
 Williams, Craig
 Williamson, rh Gavin

Wilson, rh Sammy
 Wood, Mike
 Young, Jacob
 Zahawi, rh Nadhim

Tellers for the Ayes:
Amanda Solloway and
Scott Mann

NOES

Abbott, rh Ms Diane
 Abrahams, Debbie
 Ali, Rushanara
 Ali, Tahir
 Amesbury, Mike
 Anderson, Fleur
 Antoniazzi, Tonia
 Bardell, Hannah
 Barker, Paula
 Begum, Apsana
 Benn, rh Hilary
 Betts, Mr Clive
 Black, Mhairi
 Blackford, rh Ian
 Blackman, Kirsty
 Blomfield, Paul
 Bonnar, Steven
 Bradshaw, rh Mr Ben
 Brock, Deidre
 Brown, Alan
 Brown, Ms Lyn
 Brown, rh Mr Nicholas
 Bryant, Chris
 Buck, Ms Karen
 Burgon, Richard
 Byrne, Ian
 Byrne, rh Liam
 Cameron, Dr Lisa
 Campbell, rh Sir Alan
 Carden, Dan
 Carmichael, rh Mr Alistair
 Chamberlain, Wendy
 Champion, Sarah
 Chapman, Douglas
 Charalambous, Bambos
 Cherry, Joanna
 Clark, Feryal
 Cooper, Daisy
 Cooper, rh Yvette
 Corbyn, rh Jeremy
 Cowan, Ronnie
 Coyle, Neil
 Crawley, Angela (*Proxy vote*
cast by Owen Thompson)
 Creasy, Stella (*Proxy vote*
cast by Chris Elmore)
 Cruddas, Jon
 Cryer, John
 Cummins, Judith
 Cunningham, Alex
 Daby, Janet
 Davey, rh Ed
 David, Wayne
 Davies, Geraint
 Day, Martyn
 De Cordova, Marsha
 Dhesi, Mr Tanmanjeet Singh
 Docherty-Hughes, Martin
 Dodds, Anneliese
 Doogan, Dave
 Dorans, Allan
 Dowd, Peter

Duffield, Rosie
 Eagle, Maria
 Edwards, Jonathan
 Elliott, Julie
 Elmore, Chris
 Esterson, Bill
 Evans, Chris
 Farron, Tim
 Farry, Stephen
 Fellows, Marion
 Ferrier, Margaret
 Fletcher, Colleen
 Fovargue, Yvonne
 Foxcroft, Vicky
 Furniss, Gill
 Gibson, Patricia
 Gill, Preet Kaur
 Glindon, Mary
 Grady, Patrick
 Grant, Peter
 Gray, James
 Green, Kate
 Green, Sarah
 Greenwood, Margaret
 Griffith, Nia
 Gwynne, Andrew
 Hamilton, Fabian
 Hanna, Claire
 Hanvey, Neale
 Harris, Carolyn
 Hayes, Helen
 Hendry, Drew
 Hillier, Dame Meg
 Hobhouse, Wera
 Hollern, Kate
 Hopkins, Rachel
 Hosie, rh Stewart
 Howarth, rh Sir George
 Huq, Dr Rupa
 Hussain, Imran
 Jardine, Christine
 Johnson, rh Dame Diana
 Jones, Darren
 Jones, Gerald
 Jones, rh Mr Kevan
 Jones, Ruth
 Kane, Mike
 Kendall, Liz (*Proxy vote cast*
by Pat McFadden)
 Khan, Afzal
 Kinnock, Stephen
 Kyle, Peter
 Lake, Ben
 Lavery, Ian
 Law, Chris
 Leadbeater, Kim
 Lewell-Buck, Mrs Emma
 Lewis, Clive
 Lloyd, Tony
 Long Bailey, Rebecca
 Lucas, Caroline
 Lynch, Holly

MacNeil, Angus Brendan
 Madders, Justin
 Mahmood, Mr Khalid
 Mahmood, Shabana
 Maskell, Rachael
 Mc Nally, John
 McCarthy, Kerry
 McDonald, Andy
 McDonald, Stewart Malcolm
 McDonald, Stuart C.
 McFadden, rh Mr Pat
 McKinnell, Catherine
 McLaughlin, Anne
 McMahon, Jim
 McMorris, Anna
 Mearns, Ian
 Mishra, Navendu
 Monaghan, Carol
 Moran, Layla
 Morden, Jessica
 Morgan, Helen
 Morgan, Stephen
 Morris, Grahame
 Murray, Ian
 Murray, James
 Newlands, Gavin
 Nichols, Charlotte
 Nicolson, John
 Norris, Alex
 O'Hara, Brendan
 Olney, Sarah
 Onwurah, Chi
 Oppong-Asare, Abena
 Osamor, Kate
 Oswald, Kirsten
 Owatemi, Taiwo
 Owen, Sarah
 Pennycook, Matthew
 Perkins, Mr Toby
 Phillips, Jess
 Phillipson, Bridget
 Pollard, Luke
 Powell, Lucy
 Qaisar, Ms Anum
 Rayner, rh Angela
 Reeves, Ellie
 Reynolds, Jonathan

Ribeiro-Addy, Bell
 Rimmer, Ms Marie
 Rodda, Matt
 Russell-Moyle, Lloyd
 Shah, Naz
 Sharma, Mr Virendra
 Siddiq, Tulip
 Slaughter, Andy
 Smith, Alyn
 Smith, Jeff
 Smith, Nick
 Smyth, Karin
 Sobel, Alex
 Spellar, rh John
 Stephens, Chris
 Stevens, Jo
 Stone, Jamie
 Streeting, Wes
 Stringer, Graham
 Sultana, Zarah
 Tami, rh Mark
 Tarry, Sam
 Thewliss, Alison
 Thomas-Symonds, rh Nick
 Thompson, Owen
 Thomson, Richard
 Thornberry, rh Emily
 Timms, rh Stephen
 Turner, Karl
 Twigg, Derek
 Vaz, rh Valerie
 West, Catherine
 Western, Matt
 Whitehead, Dr Alan
 Whitford, Dr Philippa
 Whitley, Mick
 Whittome, Nadia
 Williams, Hywel
 Wilson, Munira
 Winter, Beth
 Wishart, Pete
 Yasin, Mohammad
 Zeichner, Daniel

Tellers for the Noes:

Liz Twist and
 Lilian Greenwood

Question accordingly agreed to.

Bill read the Third time and passed.

Points of Order

Anneliese Dodds (Oxford East) (Lab/Co-op): On a point of order, Mr Deputy Speaker. There are reports that Sue Gray will deliver her report to the Prime Minister this evening. Can you offer me reassurance that Members will have advance sight of the report before any statement is made in the House?

Mr Deputy Speaker (Mr Nigel Evans): I thank the hon. Lady for her point of order. I have not been informed as to when the Sue Gray report will be published, although I understand that the Twittersphere is on fire with speculation. Timings of statements are a matter for the Government, but I know that Mr Speaker will want to ensure that the proper processes are followed.

Vicky Foxcroft (Lewisham, Deptford) (Lab): On a point of order, Mr Deputy Speaker. You may be aware that earlier today, the Department for Work and Pensions lost a case at the High Court that found that the Government's national disability strategy is unlawful. Have you had notice that the Government intend to make a statement on that matter or should we expect Ministers to continue to ignore the concerns of disabled people?

Mr Deputy Speaker (Mr Nigel Evans): I thank the hon. Lady for her point of order and for notice of it. I have not been given any information that any statements will be made this evening, but should that alter, Members will be notified in the usual way.

DEFERRED DIVISIONS

Motion made, and Question put forthwith (Standing Order No. 41A(3)),

That at this day's sitting, Standing Order 41A (Deferred divisions) shall not apply to the Motion in the name of Lucy Frazer relating to the Down Syndrome Bill.—(*Craig Whittaker.*)

Question agreed to.

DOWN SYNDROME BILL (MONEY)

Queen's recommendation signified.

Resolved,

That, for the purposes of any Act resulting from the Down Syndrome Bill, it is expedient to authorise any increase attributable to the Act in the sums payable under any other Act out of money provided by Parliament.—(*Craig Whittaker.*)

Business without Debate

DELEGATED LEGISLATION

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

COMPETITION

That the draft Competition Appeal Tribunal (Recording and Broadcasting) Order 2022, which was laid before this House on 16 December 2021, be approved.—(*Craig Whittaker.*)

Question agreed to.

JOINT COMMITTEE ON THE NATIONAL SECURITY STRATEGY

Ordered,

That Yvette Cooper be discharged from the Joint Committee on the National Security Strategy and Dame Diana Johnson be added.—(*Sir Bill Wiggin, on behalf of the Committee of Selection.*)

PETITIONS

Legal Protection of Cats

7.5 pm

Nigel Mills (Amber Valley) (Con): I rise to present a petition organised by Mr Anthony and Mrs Susan Wilson from Codnor in my constituency, who were moved to do this after they lost their cat in a road traffic accident.

The petition says:

The petition of residents of the United Kingdom,

Notes that there are approximately 12.2 million cats kept as pets in the UK; further that around 230,000 cats are killed as the result of a road traffic accident every year, according to the most recent statistics available; and declares that cats should be granted the same legal protections that dogs are given if they are involved in an accident with a motorist.

The petitioners therefore request that the House of Commons urge the Government to take into account the concerns of the petitioners and take immediate action to ensure that motorists are required to report accidents involving cats to the police.

And the petitioners remain, etc.

[P002706]

Community Energy Projects

Martyn Day (Linlithgow and East Falkirk) (SNP): I rise to present a petition relating to community energy projects on behalf of my constituents, and I am very grateful to Neil Barnes of Linlithgow for the work he has done in promoting this petition. This is absolutely essential to achieve the transition to net zero and to enable a green recovery.

The petition states:

“The petitioners therefore request that the House of Commons urge the Government to follow the recommendations of the Environmental Audit Committee and reallocate existing funding to better support community energy projects through extending and expanding the Rural Community Energy Fund, as a minimum, to include urban, heat, retrofit and energy efficiency projects. The House of Commons should also urge the Government to reallocate funding to create a community equivalent to the Contracts for Difference scheme in order to give more certainty to potential investors. Petitioners also request the House to ask the Government to develop a Community Energy Strategy that recognises the

importance of community energy and puts in place long-term policy support to enable community to be the local powerhouse of the net zero transition.

And the petitioners remain, etc.”

Following is the full text of the petition:

[The petition of residents of the constituency of Linlithgow and East Falkirk,

Declares that community energy is the essential grass-roots ally to obtain the consent and participation of the people in the urgent energy transition to net-zero and to invent and deliver essential local climate solutions, enabling the Green Recovery; further that, since the removal of the Feed-in Tariff, Export Tariff, Social Investment Tax Relief and the increase in VAT for solar and batteries, community energy struggles to make a business case to become active; further that the Smart Export Guarantee is insufficient in re-mobilising community energy and provides no certainty to investors; notes that the Rural Community Energy Fund is set to end in April 2022; declares that national growth funds are often closed or not applicable to community energy groups; further that the Net Zero Strategy contained neither the promised plan for community energy nor the practical support measures to harness its potential and enable the growth of community energy as recommended by the Environmental Audit Committee; further that a new Community Energy Booster would allow charities, development trusts and social enterprises to plan, develop, install and operate local renewable energy, low-carbon heat, retrofit and energy efficiency systems and solutions, working as equal partners with industry, SMEs and local authorities; further that this would deliver local jobs, reskilling, education and training opportunities, significant carbon savings and huge social and community benefits which would not be provided by commercial projects; and further that communities simply need a fair playing field to compete with commercial developers.

The petitioners therefore request that the House of Commons urge the Government to follow the recommendations of the Environmental Audit Committee and reallocate existing funding to better support community energy projects through extending and expanding the Rural Community Energy Fund, as a minimum, to include urban, heat, retrofit and energy efficiency projects. The House of Commons should also urge the Government to reallocate funding to create a community equivalent to the Contracts for Difference scheme in order to give more certainty to potential investors. Petitioners also request the House to ask the Government to develop a Community Energy Strategy that recognises the importance of community energy and puts in place long-term policy support to enable community to be the local powerhouse of the net zero transition.

And the petitioners remain, etc.]

[P002707]

Environment Agency and Bromford Estate

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

7.7 pm

Liam Byrne (Birmingham, Hodge Hill) (Lab): I am very grateful for the opportunity to bring to the attention of the House the disgraceful story of the prevarication, delay and disrespect from the Environment Agency towards the good residents of the Bromford estate in my constituency of Birmingham, Hodge Hill. The upshot of this terrible saga is that the overrunning of flood defence work denied those from one of the poorest communities in Birmingham access to their public park for two years throughout the length of lockdown. This estate has one of the worst health outcomes in the west midlands, yet throughout the pandemic and throughout this health crisis the green space that was the preserve of our community was fenced off and denied to residents and their children.

I know that the Minister will have studied her brief and will have come to the House as an expert on the Bromford estate, but should that not be the case, let me just very quickly set the context for the House. The Bromford estate is built along the great River Tame, where once its mills were recorded in the Domesday Book. It was of course the home of the Birmingham racetrack until the 1960s, whereupon, to provide greater housing for Birmingham, the Bromford estate was built on new town principles along what is actually the longest bridge in the country—the great M6 viaduct. However, for years the estate has suffered neglect, and I have made it a mission for my time in the House to campaign for the investment that it deserves.

We started with £10 million-worth of new health centre in the Firs, towards the east end of the estate. We were successful in bringing in more than £1 million of big local funding over a long period of many years to help build up community initiatives. We have now secured tens of millions of pounds for a transformation of housing on the estate, and it will also be home to the new retrofitting pilot which, as chair of the East Birmingham inclusive growth taskforce, I have helped to deliver.

We still have miles to go if this proud estate is to gain the investment and the attention that it deserves, but we are blessed with the most extraordinary wealth of community leaders and community activists who are, together, determined to renew the bonds that connect the neighbours on the estate. They are people like Tim Evans of Worth Unlimited, which has transformed youth work on the estate; people like Paul Wright of the Open Door Community Foundation, which has created, in The Hub, a real anchor for the community; people like Phil Howkins, one of the driving forces behind the new pantomimes we have at Christmas; people like Flo Parkes, Clare Maclean, Linda Dunkley and her daughter Charlotte Dunkley. They have together not only done the good, hard work of community-building, whether it involves pop-up parks or organising festivals, but created a vision for the estate—the Bromford village vision of a place where we get the investment we deserve, and renew the sense of community.

That is why we gave such a warm welcome to the prospect of Environment Agency investment in the flood defences along the River Tame. The River Tame

does not flood very often; it floods, to a serious level, perhaps once in a century, but that will obviously have a devastating impact on the communities of the Bromford and, indeed, Castle Vale. The flood defences were important, and they help us to unlock new housing development, which in turn is a catalyst for renewal. However, we wanted to bring the Environment Agency into a real partnership with Birmingham City Council and our community organisations, so that this was not money dropped in from above, with the investment made and agencies then just disappearing. We wanted a true partnership in which we worked together as a team to overhaul the estate with the investment that was provided. That was the dream, but the reality was very different. With the House's indulgence, I will, very quickly, share the chronology.

The first details were confirmed to us on 22 June 2020. That is when we got a green light from Birmingham City Council to co-invest alongside the new flood defence work. The completion date was to be March 2021; that was the promise. It was at about that time that the Environment Agency told us that it would remove the under-12s play park in Bromford Drive. We were pretty unhappy about that, but we were given an assurance that new parks would be provided within the next two years. The next update was just nine months later, but we were then told that the entire project was running 12 months late. New project sponsors were brought in. There were clearly a host of problems. I was advised by the city council that

“The new Environment Agency Project Team have freely acknowledged communication has to date been inadequate”.

That was putting it mildly. At that point, we were promised that the existing play facilities would be reopened in late July 2021.

We also learnt at that time—this was just as bad—that the council would not have unfettered access to the housing development sites, as it had been promised, because the Environment Agency had decided to use the site as a compound for the work that it was undertaking. As a result, the council had to brief me that

“The delays to the flood defence works will delay the Housing development programme and the associated play area and open space improvements.”

A few days later, on 1 April 2021, local residents were sent a letter stating:

“We had a break in our embankment construction work”.

The work, the letter said, would restart shortly, but

“To allow us to do this safely we will need to close the Skate park in addition to the play park. The park will be closed for approximately 7 weeks”.

The letter promised that it would be reopened in time for the 2021 summer holidays.

The next communication was dated 14 July 2021. We now learnt that the Environment Agency had issued an updated programme advising that the flood defence works would not be substantially completed until the end of March 2022, and it would not be returning control of housing sites before the end of October 2021. That knock-on cost pushed back the housing proposals by a couple of years and put up the cost by 10% to £3.2 million.

At that point, in exasperation, I started tabling questions to the Minister. In answer to my written question of 17 September 2021, the promise came that the Environment Agency was

“fully committed to completing this scheme at the earliest opportunity”—

and the Minister said that the Environment Agency ensured that the multi-use games area and skate park were going to be handed back, along with the under-12s play area at the start of the summer holidays. But the play park is still closed. I then had to convene everybody on 5 November 2021 to make sure that we had a 10-point plan that everybody had signed up for, and we now have an agreement that the park will be made available in the spring of 2022.

This is a terrible saga of the mismanagement of a project. We have good people such as Jimmy and Imky on the ground from the Environment Agency, but frankly, they are clearly good people in bad systems. I have asked the Minister to come to the House today because, in my letters to the chief executive of the Environment Agency, the answers were inadequate, and they were answered by a junior official in the agency. Frankly, if that is the way that the Environment Agency is going to treat Privy Counsellors in Britain's second city, what hope, frankly, do residents have of getting a straight answer?

Our asks are very simple. First, we would like the Minister to give us an apology—just to say sorry for this saga and the denial of our park to our children for the past two years during lockdown. If we can build a Commonwealth games stadium in Birmingham on time and on budget, the Environment Agency should be able to bring a play park to completion on schedule. Secondly, we would like compensation in the form of new investment in new parks on the estate. Thirdly, we would like a commitment that work under way on the timetable now agreed will not be delayed. We want it specified not in terms of a season, but to the nearest date. Fourthly, we would like a commitment to transforming communications with our community. We have that from the local staff from the Environment Agency, but I want to be sure that we get the back-up from the higher-ups in the Environment Agency, so that that commitment is made real, and I would like the chief executive of the Environment Agency to come to the Bromford estate and actually front this up in person with the residents of the Bromford. Finally, we would like to know how on earth this has all cost £26 million of taxpayers' money, and we would like to know, please, how much extra is being shelled out because of the delays.

You will forgive me, Mr Deputy Speaker, for feeling strongly about this, but while we have had a Prime Minister partying in Downing Street, the children of my constituents have been denied a play park on their estate during covid. I do not think that is acceptable and I am here to say to the House that we are not having it. I am sorry that we have had to ask the Minister to come to the House. It is a last resort and a measure that I have taken in desperation, because I am determined that the people of the Bromford are going to be treated like first-class citizens and get the respect and the investment they deserve from this Government. I speak for the whole of the Bromford tonight when I say that we are looking forward to answers from the Minister.

7.18 pm

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Rebecca Pow): It is a pleasure, as ever, to see you in the Chair, Mr Deputy Speaker. I know that the right hon. Member for Birmingham, Hodge Hill (Liam Byrne) is somewhat—I

think “frustrated” is too gentle a word, is it not? I can understand his anger—I think it is that really—and I say to him that my door is always open to speak to colleagues. It does not matter what side of the House they are on, and I think my noble Parliamentary Private Secretary, my hon. Friend the Member for North Devon (Selaine Saxby), would vouch for that. I am always opening to hearing about where there are problems and frustrations. I know that he has written to me, but as far as I understand it, he has not come to me face to face and, in a way, perhaps he should have—but there we go. I am pleased to hear from him tonight, speaking up as the MP for Birmingham, Hodge Hill, and actually, it has been great to hear about the people from his constituency who have that vision for his area. It is always good to hear about people working locally to make their area better and I congratulate him on the work that he is doing. I certainly understand the frustration about the issue of having no park, particularly during lockdown, and I will come to that later.

I will focus on the flood risk side of things, because that is what I am responsible for as a Minister. I am not the Communities and Local Government Minister, a role that is very much about the community side of things, the developments and so forth. I will focus on that, but it obviously all links into what the right hon. Gentleman is saying.

Flood and coastal risk is a priority for the Government. We are well aware of the impacts that flooding can have on communities, homes and businesses. With that in mind, the Government have doubled flood funding in our latest programme to £5.2 billion to support 2,000 new flood defence programmes, which will protect 336,000 properties from flooding and coastal erosion—I just wanted to put that on the record. In England, the statutory responsibility for managed flood risk falls to risk management authorities such as the Environment Agency and lead local flood authorities, as I am sure the right hon. Gentleman is well aware.

The Environment Agency works with the lead local flood authority to manage surface flood water risks through strategic planning and supporting the development of projects—particularly when it comes to making business cases—and to access Government flood and coastal erosion risk management grant-in-aid funding and regional flood and coastal committee local levy funds. The lead local flood authorities and county and unitary councils have the lead operational role in managing the risk of flooding from surface water, ground water and ordinary water courses. They are responsible for ensuring that the risks are identified and managed as part of a local flood risk management strategy.

Let me turn now to the Bromford estate. I pass on my sympathies to those in the right hon. Gentleman's constituency who have been impacted by the delay in the construction of the flood defences that run through the estate. I understand how frustrating that has been, particularly the impact that that has had on vital recreational spaces. I believe that there has also been a great deal of anxiety about the construction work around the flood schemes and other significant developments. While the right hon. Gentleman was talking about lots of other benefits in his constituency, he did highlight the fact that, when flood defences go up, they can have lots of other spin-offs. He is right about that. Once the defences

[Rebecca Pow]

are in place and the community is protected, other spin-offs happen. For example, I have seen that happen in Lytham St Annes.

In the summer, I did a whole lot of flood work all around the country—I could even have come to the right hon. Gentleman's area had I known what was happening there. I saw for myself how investment in defences brought with it safety and security for business. New businesses were attracted to the area. Even tourism improved, with people being attracted to the area. It just improved the whole feel of the place, and I think that that is one of the things that he is getting at. There will be a spin-off when all this is sorted out, and, trust me, it will be sorted out.

The Bromford flood risk management scheme aims to reduce the risk of flooding from the River Tame, extending over 4.5 km from the River Rea, through Bromford and Castle Vale, and downstream to the M42 crossing at Water Orton. The Government are investing £27 million on the scheme—a huge amount of money—which is expected to be completed by winter 2023. However, things will happen before that.

The scheme will see more than 1,500 homes and 42 non-residential properties better protected from the risk of flooding. I know that the place has not been flooded for a long time, but the strategy that has been done shows that the area is at risk, so the scheme is really important in protecting those homes and businesses. It will then unlock new housing development projects worth more than £40 million. That is a big commitment that we have made to the right hon. Gentleman's area.

The right hon. Gentleman highlighted the fact that the completion of the embankment area of the scheme has taken much longer than it should have done, but that was because of an emergency. I am sure that he is aware of this, but a wall collapsed in two sections of the defence area. It had to be repaired before the new flood defence work could continue. It was very complicated. I have quizzed the EA about that, which I am sure he will understand. In addition, as with loads of construction works all over the country, there has been a squeeze on materials, poor weather and third-party landowner issues to be sorted out. That has had an impact on progress, and it has been complicated. The Environment Agency has committed more funding to complete the scheme and deal with the various challenges the project has faced. The contractor's senior management have also provided commitments to improve delivery confidence—I think that is really what the right hon. Gentleman is after as well—and they are fully committed to completing the scheme at the earliest opportunity.

Liam Byrne *rose*—

Rebecca Pow: Perhaps I could give the right hon. Gentleman the dates before he intervenes. I have spoken with the Environment Agency, and it has assured me that completion of the embankment works running through the estate is expected in May, except for one small section—the Bromford turning circle, which is due to be completed by September. Large sections of the embankment may be complete prior to May, and the Environment Agency intends to hand back these sections earlier to Birmingham City Council, on contractual completion. Shall I go on to the play park?

Liam Byrne: Why not?

Rebecca Pow: Let us go on to the play park, because that is obviously crucial. The Environment Agency is working closely with the council's parks team on the under-12s play area, which the parks team is aiming to reopen in June, as the right hon. Gentleman said. The EA is committing £200,000 towards the refurbishment of the play park. I hope he welcomes that. I know it is a little late, but it is under way and I am sure it is going to be a play park well worth waiting for—I hope it is. I will now give way.

Liam Byrne: I am grateful to the Minister for giving way. She has just slipped the timetable back two months on the assurance that I was given on 5 November, so I hope that she will be able to re-check that with her officials. The broad point I wanted to make is that the project management arrangements have been among the worst I have ever seen. For example, the collapse of the wall was communicated to me only about two months ago, long after the fact. May I therefore urge her to ensure that she is doing everything she can to ensure that integrated project management arrangements on such complex schemes are much tighter and that communication with local residents affected by the works is an awful lot better?

Rebecca Pow: I thank the right hon. Gentleman for that intervention, and I could not agree more. Communication is essential in such projects, and clearly this is a complicated one. I promise that I will check that that is going to happen in future and why it did not happen in the past. As he is the MP, and one so involved in his local community, it would be right to involve him.

I have spoken to the EA and it gets the message about engaging with the community. In its defence, covid and the lockdown did not help, because it had to put on hold a lot of its normal face-to-face engagement. I have had good reports around the country of that face-to-face engagement on the ground, particularly when there is or has been flooding, or when it is trying to advise on what flood defences one might put in one's house. The EA is really good at that, so I am sad to hear what he says, but I think it was partly affected by covid when the EA paused its face-to-face engagement. It tells me that that has been ramped back up again and it also kept in touch electronically, by post and through newsletters.

Following the Government's easing of covid safety measures, the EA met community members on 5 November 2021—I believe the right hon. Gentleman mentioned that date—and more recently. I believe it met him on 21 January, so I hope that relations are improving.

The EA is committed to regular engagement with the community, and I urge it to ensure that it keeps to that. I would be pleased if it would let me know how that is going. It has said that it will continue to attend the quarterly board meetings organised by the council, either virtually or in person, and the quarterly partnership meetings once they are resurrected by the local community group, Worth Unlimited. I am sure the right hon. Member and his fellow councillors welcome the investment in the flood defences to which I have referred. They will bring multiple benefits for his area when they are completed.

Our ambition is to create a nation that is resilient to flood risk and coastal erosion. We are working to manage and mitigate the impact of flooding at pace and

continuing to implement our flood risk management policy statement and the EA's national strategy. We are working across the country on projects far and wide, and I really look forward to hearing about that park being opened and the projects coming to fruition. I hope that this has given the right hon. Member a little bit of reassurance, and I will be very happy if he wants to keep me posted.

Question put and agreed to.

7.30 pm

House adjourned.

Westminster Hall

Tuesday 25 January 2022

[JUDITH CUMMINS *in the Chair*]

Cost of Living

9.30 am

Judith Cummins (in the Chair): Before we begin, I remind hon. Members that they are expected to wear face coverings when they are not speaking in the debate. This is in line with current Government guidance and that of the House of Commons Commission. Please also give one another and members of staff space when seated and when entering and leaving the room.

Patricia Gibson (North Ayrshire and Arran) (SNP): I beg to move,

That this House has considered the cost of living in the UK.

I am delighted to have secured this debate today. It is very timely, and I honestly do not think that anything occupies the minds of constituents in North Ayrshire and Arran or indeed any other constituency more than this issue. It affects everyone. Everyone has noticed that their monthly outgoings are rising. Energy costs are up. Food prices are up. Fuel prices are up. Clothes prices are up. In that context, it is no surprise that consumer borrowing is also up, which will throw many into unsustainable debt as they struggle to keep up with essential bills. There can be no doubt that we are caught up in a genuine, biting cost of living crisis. It is simply not good enough that while our families, our communities and our pensioners are suffering, the Government are eating themselves alive over whether the Prime Minister knew he was actually at a party when he attended a party at the address where he lives.

I want to begin by saying a few words about the cost of energy. Gas and electricity bills are expected to rise significantly in April, when the energy price cap is predicted to reach £2,000 a year or £165 a month. That represents a 45% increase, although there are reports of even steeper rises. It is no wonder that National Energy Action believes that 6 million households will be in fuel poverty by April. That is a 50% increase from last year and it will hit hardest the poorest families, who spend most on energy as a proportion of their income. The reality is that wages are simply not keeping pace with the rise in the cost of living, as the Office for National Statistics has highlighted, with the Office for Budget Responsibility indicating that average real wages will be lower in 2026 than they were in 2008. Instead of a rising price cap, an emergency financial package must be introduced to support the most vulnerable and help families to cope during this crisis. The cost of living crisis is real and will only worsen as energy bills rise, alongside regressive tax hikes and inflation, pushing more and more people into poverty.

In addition the ending of the uplift to universal credit and working tax credit is imposing the biggest overnight cut to welfare in 70 years. The situation for too many of our constituents is critical. The changes to the universal credit taper rate are welcome, but they are not enough to help those who are struggling with this perfect storm of financial pressures. Let us not forget that apart from

the suffering that the cut in universal credit will cause for those on low incomes, it will take £460 million out of Scotland's economy. That money would be spent in local shops, stimulating local economies in communities in each and every town and city.

Mike Amesbury (Weaver Vale) (Lab): I thank the hon. Member for securing this vital debate. Behind those headline figures is a 30-year high in inflation. As she rightly stated, that disproportionately affects the poorest in our communities. Jack Monroe, known on Twitter as BootstrapCook, has written for *The Guardian* and referred to those real-life experiences. For example, a 500-gram bag of pasta that was 29p is 70p today. That is a 141% price increase. And it goes on and on and on. The hon. Member is right to point out that people on universal credit have had that massive cut of £1,000 a year or £20 a week. That money must be restored.

Patricia Gibson: I absolutely agree with the hon. Gentleman that the cut to universal credit is beyond words in its cruelty and its insensitivity to the struggles that real people face every day. It is a cruel irony that, just as the Scottish Government introduced the Scottish child payment, the UK Government chose to remove the £20 universal credit uplift across the UK—pulling the rug away from struggling households in Scotland. That example really crystallises a tale of two Governments.

Yesterday, I heard hon. Members in the main Chamber say, "If the SNP is so concerned about the cost of living crisis, it should do more in Scotland to support people who are suffering." I say to the Minister that in Scotland the hated Tory bedroom tax—a tax, incidentally, that hits the disabled hardest—has been fully mitigated by the Scottish Government. I do not have time to mention all the support that the Scottish Government have brought in, using their own fixed budget, to support those who are suffering. It is deeply ironic that Members in this House talk about how the Scottish Government could do more when they are the very people who imposed the constraints that limit the Scottish Government's powers to do just that. Give us the powers; if we have the powers, we will do more. The irony of calling for the Scottish Government to do more while tying their hands behind their back is well noted in Scotland.

However, the UK Government have a rich array of powers with which they could help to tackle this cost of living crisis—if the political will existed. They could introduce a real living wage. A real living wage would, as it says on the tin, relate to the cost of living—unlike the current, pretend living wage. They could increase statutory sick pay, which is among the lowest in Europe. Unless the real living wage replaces the pretend living wage, more and more people will find that they have less to live on as their pay is eroded by the rising cost of living.

The sad fact is that, shamefully, the UK has the highest poverty rate and the worst levels of inequality in all of north-west Europe, with 11.7% living in relative poverty. Around two thirds—68%—of working-age adults in poverty in the UK live in households with at least one adult working. That figure is at an all-time high. Poverty is driving unsustainable debt, with around 3.8 million households carrying an estimated £5.2 billion of arrears in household bills—a figure that has tripled since the start of the pandemic. People are borrowing more to pay for basics and essential bills.

[Patricia Gibson]

Further, the Chancellor could cut VAT on energy bills and provide emergency loans to energy companies that are teetering on the brink. He could rule out a rise in the energy price cap and reintroduce the £20 per week uplift in universal credit. If the political will existed—and I fear that it does not—the UK Government could replicate the Scottish Government's child payment across the UK.

As household energy bills soar, fuel costs are rising too. That does not just hit motorists hard; it also has a wider impact on industry because it pushes up the price of food, goods and services. Amid all the pain being suffered by our constituents and communities, we are approaching the highest tax burden since the early 1950s because of the national insurance hike. The consequences for our poorest could not be more stark; they could barely be more harsh. The national insurance hike means that workers earning as little as £10,000 will soon pay a national insurance rate of 14.25%, regardless of income. If student loan repayments are included, graduates earning just over £27,000 will pay a marginal tax rate of 42.25%—and the Tories call themselves the party of low taxation! All of that will act as a drag on recovery. UK consumer confidence is at its lowest level for 11 months, as people understandably worry about surging inflation, which is expected to rise to a staggering 7% by the spring.

It looks much bleaker when we factor in the Brexit effect, which I know the Government do not like to talk about, but let us do so for a minute. The Office for Budget Responsibility—the UK Government's own forecaster—suggests that the worst is yet to come. Make UK is an organisation representing 20,000 manufacturers, and it has said that Brexit will undoubtedly add to soaring consumer costs this year. Squeezed supply chains are under pressure, with customs delays, border red tape and labour shortages, and additional costs ultimately borne by consumers.

Last month, as the hon. Member for Weaver Vale (Mike Amesbury) indicated in his intervention, we saw £15 added to the average price of groceries. The rate of food price increases is set to increase further this year, just as the national insurance hike is set to bite into pay packets in April.

Let us not forget the promises that were made—the pictures that were painted of the sunny uplands—as we approached Brexit. We were told that VAT on energy bills would be scrapped. Now we are told we cannot do that because it would be a “blunt instrument”. We were told that the price of food would go down. In the wake of Brexit, this message slightly changed to there will be “adequate food”, but we see the price of food rising fast.

It seems that there is one rule for one and one rule for another. As the Minister will stand up and tell us, there are lots of reasons why he cannot do more, there are lots of reasons why the Government cannot do more and hard choices have to be made. In that context, I cannot help but remember the words of Lord Agnew yesterday when he talked about the £4.3 billion of covid loans conveniently written off by the Treasury. He said “arrogance, indolence and ignorance” were at the heart of Government and were freezing “the Government machine”. He said:

“Schoolboy errors...allowing more than 1,000 companies” that were

“not even trading when Covid struck”—[*Official Report, House of Lords*, 24 January 2022; Vol. 818, c. 20.]

to have loans could not be justified. I wonder how much pain people like the ordinary man in the street would have been saved by a cash injection from the Treasury of £4.3 billion.

We cannot forget the poor deal for pensioners in this crisis. The WASPI women—the Women Against State Pension Inequality Campaign—have already been left high and dry as their pension age was increased with little or no notice, throwing their retirement plans into chaos. I want to head off once again the allegation that if the SNP Government are so concerned, they can help the WASPI women. I simply quote that section 28 of the Scotland Act 2016 prevents the Scottish Government from providing support on reserved areas, including pensions assistance or assistance by reason of old age. Once again, we need to burst the myth that the Scottish Government can solve the WASPI problem. It is a problem of the Government's own making and it is down to them to fix it. If the Scottish Government had the powers, we would be happy to do so with all the levers of an independent country.

Those who have finally reached state pension age now find they are being clobbered again as the triple lock has been abandoned—right in the middle of a cost of living crisis. State pensions have to keep pace with the cost of living, otherwise, we will see older people languishing in poverty as the threat of a rise in morbidity from the cold looms large this winter. I will say that again, because it is outrageous: there is an expectation this winter that the death from the cold among older people will rise. I do not even know what to say about that, it is so appalling.

Pensioner poverty has risen to a 15-year high under this Government's watch as 985,065 pensioners have been directly impacted by the breaking of the triple lock, despite the fact that UK pensions are the least generous in north-west Europe. Not only are they the least generous but they have been clobbered by this Government in the middle of a cost of living crisis. It is simply not good enough for the Government to fiddle while households, pensioners and one in four children in the UK suffer poverty as a result of the choices the Government are making—and it is a result of the choices they are making. The cost of living crisis is not inevitable, although of course there are factors at play such as global energy challenges and the all-too-predictable consequences of Brexit driving up prices due to supply issues.

Martin Docherty-Hughes (West Dunbartonshire) (SNP): I am grateful that my hon. Friend mentioned energy prices. Does she agree that the UK Government's penchant for reducing investment in onshore wind farms, as well as removing subsidies for offshore specifically in Scotland, undermines not only renewable energy but the production of the cheapest energy that this United Kingdom of Great Britain and Northern Ireland can provide, which would otherwise lower energy costs for our constituents?

Patricia Gibson: Absolutely. That is yet another example of this Government's skewed priorities—no joined-up thinking, no strategic thinking. Of course, at the moment, they are a Government who are not focused on governing, but are tearing themselves apart with their own internal struggles.

However, there is action that the Government can, and should, take to see people through this perfect storm of rising costs. To stand by and do nothing to alleviate this very real crisis while so many of our constituents across the UK suffer—including the Minister's constituents—is not acceptable and, as I said, shows skewed priorities. It punishes those on low pay. It punishes those seeking work and pushes them further away from the job market, because poverty creates barriers to work that need not be there. Perhaps worst of all, it punishes those whose health prevents them from working. Among all that, it punishes the children in all the households that are struggling during these difficult times, because it blights their childhood with poverty. I can tell the Minister that the scars of childhood poverty do not easily heal and are never forgotten. If this Government wanted to, they could do more. They could use their powers for good, to protect and support those they are supposed to serve. I urge the Minister to make the case to his Government to do so.

9.47 am

Derek Thomas (St Ives) (Con): I am grateful for the opportunity to take part in this worthwhile and timely debate. I apologise for not being able to take part in yesterday's debate, but it is really important that we talk about how we can help households and families in our constituencies that are facing the real pressure of increased house prices, and all the anxiety and difficulties that go with that. I agree that the Government must do what they can to mitigate increasing living costs, particularly for low and fixed-income families.

I regularly host drop-ins across west Cornwall, where people can come along and raise whatever issue they like. I try to do so in every part of my constituency: like many Members present, I represent a large rural area, and it is important that I get to where people are. Many people, pensioners in particular, have come to me in recent months. Those households have worked hard to plan for their retirement, but find that their pension has become less able to meet their basic living costs—a position that they never expected to be in. These are not just pensioners on the state pension who might be getting pension credit: there are those who have a small pension in addition, but are finding that costs are outrunning their income.

I have also come across several families whose rent costs have rocketed over the past couple of years—an issue that I raised in this Chamber last month. It is really important that the Government look at how we can manage and protect housing supply, particularly in places such as Cornwall, which is a very attractive place to visit and possibly an attractive place to buy a second home or bolthole. That forces up the price of homes for the people living there, and that is true for lots of other constituencies, particularly coastal ones. The Government must look more earnestly at increasing the availability of rental properties and homes to buy by protecting them for permanent residents. When we build new homes, it is important that they meet a local need, as is the case in St Ives, which is part of my constituency. This is about the cost of housing and rent.

Mike Amesbury: Would not part of the solution be to build homes for social rent, allocated to local residents? Fewer than 6,000 of those homes were built last year.

Would the hon. Member agree that homes for social rent must certainly be a big part of the solution?

Derek Thomas: I completely would, and I welcome that intervention. However, in parts of the country, including my constituency, families with fairly decent incomes who would never qualify for that list are also seeing their rents rocketing. We are talking about the nurses, teachers and police officers we need to come to take jobs in Cornwall, or stay in the county, and who cannot afford the rents they are expected to pay.

I absolutely agree with the hon. Gentleman's point. Cornwall County Council, now under a Conservative administration, is ramping up the provision of social rental properties. That meets the needs of a particular group of constituents, but does not reach or solve the whole problem.

In view of the rising costs of housing, Cornish MPs are arguing in favour of protecting new buildings for permanent residents only, which will help to protect those homes for local need. I agree that we need to look at every tool available to ensure that people have secure homes for life that they can feel safe in. Those homes should be built efficiently, so that rising energy costs, which I will address in a minute, can be managed, so that we are not just heating up the planet when we are trying to heat our homes.

I want to touch briefly on energy costs. My understanding at the moment is that the cost of production of energy has not risen. Companies that are producing it, not all of them based in the UK, are making colossal sums of money due to demand. I am interested to hear from the Minister what the Government are looking to do to bring the cost that suppliers pay for energy closer to the cost of production.

Another area to look at is the feed-in tariff. For example, customers are seeing energy prices increase and that is expected to carry on this year, but those who are feeding into the energy supply, through solar panels or wind turbines they have invested in, are not seeing any change in the money they receive for that energy. It seems sensible for the Minister to look at whether the feed-in tariff should be tracked against the energy costs people pay.

There is no doubt that the energy market needs reform, but right now urgent help is needed for households most hit by energy prices. I heard the calls for a cut in VAT, but householders concerned about energy costs have already worked extremely hard to reduce the amount of energy they use, sometimes choosing not to heat their homes in order to feed their families. The VAT element of the bill for those families will be tiny: they might save £20 or £30, perhaps a little more, a year in VAT. If I owned several electric cars, a couple of hot tubs, maybe a swimming pool, and a massive house with lights on all the time, the savings I would make from the VAT cut would be significant. We are not helping the households that most need it with the headline-grabbing promise to cut VAT on energy.

There must be targeted and effective help for the families I have referred to, the pensioners, people on fixed incomes and low-income households. There should be cash to help with energy bills and, at the same time, an effective way to improve people's homes. We have had lots of schemes recently where large amounts of

[Derek Thomas]

money have been made available for people to retrofit their homes. In Cornwall, builders—people involved in construction—were already run off their feet with building homes and looking after Cornwall's homes and did not choose to take up those offers. People came in from different parts of the country to retrofit homes, not doing it properly or effectively, and often going bust before they got found out.

Lots of Government money was wasted while the homes were not actually improved. The Government need to look carefully at how we retrofit homes, probably through local authorities, where that can be targeted and effective. Ultimately, not now but in the near future, the Government with their sizeable majority could properly reform the energy market so that the poorest families paid hardly anything—if anything—for energy, and those more demanding homes paid more.

Martin Docherty-Hughes *rose—*

Derek Thomas: I will give way to the hon. Gentleman and then I ought to finish, because I am getting the eye.

Martin Docherty-Hughes: Does the hon. Gentleman agree that energy market reform also requires a reform of transmission charges? While in most parts of England a subsidy will be given to provide energy, north of a certain line north of London people have to charge to produce energy to put it on to the national grid, and that reduces the ability of renewables to lower energy costs.

Derek Thomas: I agree that there is a need for a time out to properly look at the energy market and how it works. The price cap we introduced a few years back was helpful and certainly it is helping right now; my understanding is that the variable tariff is the best to be on. However, I met policy advisers some years ago to discuss some sort of block tier energy price, where the first units paid are extremely cheap or free and the more units someone uses, the more they have to pay. We have to retrofit the poorer homes to make sure that does not penalise them, but there is a need in the energy market to make those who can afford it contribute to the cost of energy for those who cannot. It is not a luxury; it is something that we need to care about. We do care about it, and we need to do something.

Several hon. Members *rose—*

Judith Cummins (in the Chair): Order. I remind hon. Members that I will be starting speeches from Front-Bench spokespersons at 10.28 am and no later than that. Can hon. Members adjust their times accordingly?

9.56 am

Deidre Brock (Edinburgh North and Leith) (SNP): Thank you, Mrs Cummins. It is a pleasure to serve under your chairship. I congratulate my hon. Friend the Member for North Ayrshire and Arran (Patricia Gibson) on facilitating the debate. It is such an important one at this time and I am pleased to contribute.

The cost of living crisis being experienced around the UK has been created and compounded by a series of UK Government failures, all reaching an awful crescendo, it seems, at the same time—a decade of austerity, savage

cuts to welfare, chaos and shortages brought by Brexit, inept handling of the pandemic and Ministers' shameful failure to mitigate and anticipate against rising energy prices. As is so often the case under the Government, it is those with the least who will suffer the most from the price cap increase.

The Joseph Rowntree Foundation finds that households on low incomes will spend a staggering average 18% of their income, after housing costs, on their energy bills from April. For single adult households on low incomes that rises to an extraordinary 54%: an increase of 21 percentage points since 2019-20. The climate deniers among the Tories—one in 15 of them according to a recent survey by *The Independent*, although I will point out that the hon. Member for St Ives (Derek Thomas) is not among their number—like to peddle a narrative that environmental levies are to blame for high energy costs. However, analysis by Carbon Brief has found that energy bills in the UK are nearly £2.5 billion higher than they would have been if climate policies had not been scrapped over the past decade.

Those cuts included gutting energy-efficiency subsidies, effectively banning onshore wind in England, as my hon. Friend the Member for West Dunbartonshire (Martin Docherty-Hughes) mentioned, and scrapping the zero carbon homes standard. The latter move, as Lord Deben, the Chair of the Committee on Climate Change has pointed out, has resulted in hundreds of thousands of insufficiently insulated homes continuing to be built in the years since, effectively pushing the costs for bringing their insulation and energy systems up to scratch on to homeowners and off housing developers' balance sheets. Those cuts were made after a front page by *The Sun* in November 2013 reported that the then Prime Minister David Cameron's answer to rising energy bills was to get rid of "all the green crap".

The hikes in energy prices, along with the cuts to universal credit and increasing national insurance contributions, are forcing local and national Governments to take even more action to protect our citizens. In the past eight years, the Scottish Government have spent £1 billion tackling fuel poverty and improving energy efficiency in homes and created a £10 million fuel and security fund, which gives direct help to those who might otherwise have been forced to ration or disconnect altogether from their energy supply. The Scottish Parliament also passed the Fuel Poverty (Targets, Definition and Strategy) (Scotland) Act 2019, which commits to drastically reducing the number of households living in fuel poverty in Scotland by 2040. Even before the expected energy price cap rise in April, one in three Scots is struggling to cover their energy bills—a Citizens Advice Scotland survey found that 36% of people in Scotland say their energy bills are unaffordable.

I know how hard this is hitting many people in my constituency of Edinburgh North and Leith. For example, my constituent Imogen lives with her husband, two teenage children and very elderly parents, who live above her in a self-contained flat. Over the past two years, their heating bills have increased because Imogen's husband is now working at home full time due to covid, she works part time at home, and her parents need the heating on a lot as they are in their late 80s to 90s and are now not very mobile.

After the family's energy supplier went bust, they were shunted on to another one. The first direct debit was not taken, leaving the family in a state of uncertainty

about how much they were paying. Eventually, Imogen was able to set up another direct debit, but only after numerous stressful attempts to contact the new energy provider, as the company did not attempt to contact them. The family's current energy bills are approximately £3,000 a year, and that looks likely to increase to £4,500 after the rise in the energy price cap. As you can imagine, Mrs Cummins, she and her husband are extremely concerned about how they will cover such a hike. Many more of my constituents will be facing anxieties similar to those that Imogen and her family are dealing with, with many further facing that dreadful choice to heat or eat in coming months.

Citizens Advice Scotland says that of those struggling to cover their energy bills, 40% cite low incomes as a reason, while 12% say that inconsistent incomes make it difficult to afford to pay for their utilities. That is why the Scottish Government's promotion of the real living wage across all sectors is so important, helping to ensure that Scotland has the lowest percentage of earners earning below that living wage in the UK.

Our Scottish Government public sector pay policy underlines our commitment to tackle poverty by introducing a public sector wage floor of £10.50 per hour from April 2022, with additional funding for local government to ensure that that applies to adult social care workers in commissioned services. The UK Government must act to make work pay by increasing minimum wage rates and the totally inadequate statutory sick pay, in line with the real living wage.

The Conservative Government's contemptuous treatment of those on low pay is also reflected, of course, in their latest attack on lifeline welfare payments, with the enormous cuts in the incomes of families on universal credit and working tax credit. In Edinburgh North and Leith, 13% of working-age households were impacted, with 34% of that number being working-age families with children.

It all comes on top of more than a decade of Tory Government austerity, which the SNP Scottish Government are having to work very hard to mitigate. The fixed Scottish budget funds the Scottish Government's priorities of tackling child poverty and inequality by targeting over £4 billion in social security payments. That includes the doubling of the game-changing Scottish child payment to £20 a week from April 2022. The Child Poverty Action Group welcomed that, calling it a "lifeline for...families across Scotland".

Consumer prices were 5.4% higher in December 2021 than a year before. That is the highest inflation rate recorded in 30 years. However, as we have heard already, food campaigner Jack Monroe's excellent Twitter thread, which highlights huge price hikes for basics such as pasta, baked beans and rice, shows how that figure grossly underestimates the real cost of inflation for families on minimum wages, zero-hours contracts, and those forced to food banks. She also highlighted the manufacturers' sneaky practice of making products smaller while keeping the same price—known as "shrinkflation".

This Tory Government might be able to ignore Brexit chaos and the rampant cronyism, dark money and corruption in British politics, but they cannot keep ignoring poverty and people on low incomes any longer. As we have heard from my hon. Friend the Member for North Ayrshire and Arran, the UK has

the highest poverty rate of any country in north-west Europe, and the worst inequality for every year of this century.

We call on the UK Government to urgently tackle the cost of living crisis by cutting VAT on energy bills and categorically ruling out a rise in the energy price cap. We must also see an emergency financial package to help families by reversing cuts to universal credit, delivering a low-income energy payment, matching the Scottish child payment UK-wide, introducing a real living wage, and increasing statutory sick pay in line with that real living wage. The UK Government could also choose to act now by providing everyone eligible for cold weather payment with a one-off payment to help those on lowest incomes with fuel bills. That would mirror what the Scottish Government will do when they take on responsibility for cold weather payments from next winter.

We must never forget that Governments, particularly those with all the economic levers of a normal country at their command, have choices. They can choose either to support, and treat with respect and dignity, those among us who need a helping hand, or to scorn their vulnerability and do everything possible to put obstacles in their way while sneering that they do not deserve our help. I know which Government I prefer.

The question must be asked: why is Scotland having to protect its citizens from the right-wing policies and vicious ideologies of successive Tory Governments when Scotland did not vote for those Governments? It is time for our independence and a fairer Scotland that does everything in its power to protect and support its citizens.

10.5 am

Margaret Ferrier (Rutherglen and Hamilton West) (Ind): It is a pleasure to serve under your chairship, Mrs Cummins. I congratulate the hon. Member for North Ayrshire and Arran (Patricia Gibson) on securing today's important debate, which keeps a spotlight on an issue that impacts every person across the UK—including in my constituency. The current rate of inflation is 5.4%, which is the highest it has been in three decades. The Bank of England expects the consumer prices index to peak at around 6% in April, but others have a grimmer forecast—Goldman Sachs expects it to hit around 6.9%.

The cost of living crisis must not be underestimated; every essential will cost more and every penny must stretch ever further. In-work poverty has become more common, which is ironic under the leadership of a Government who claim to incentivise work. In April, benefits will be uplifted in line with inflation, but as inflation stood in September, inflation was only at 3.1% then, so this will represent around a 3% real-terms cut in 2022. In October, the Government chose to remove the £20 universal credit uplift, which is needed now more than ever. That was before inflation hit its current high.

There are some obvious areas that we can immediately recognise as stressors, such as energy prices and the cost of food, but there are other problems that we might not see so suddenly. Social housing, one of the UK's greatest supports for low-income families, is in short supply; demand simply cannot be met, so we see people forced towards an unaffordable rental market. In the year until September 2021, rent across the UK had already risen an average of 8.6%. If Greater London is excluded, that figure lessens, but only to 6.6%. Private properties, for the vast majority, require a hefty deposit, which is a

[Margaret Ferrier]

huge upfront cost. We know that it is often cheaper in the long run to spend more in the short term, but that is not an option for those on lower incomes. Homeowners face anxieties too, as the interest rates on mortgages increase; they may struggle to keep up and there is a possibility that some may lose their homes—the roof over their families' heads.

Another worry is car insurance. It is cheaper to pay it annually in a lump sum than monthly, the cost of which has just hit a 12-month high. A car might seem like a luxury, but for so many it is a necessity; it is how people commute in rural areas or in areas where there are poor transport links, and how people undertake caring responsibilities for family members. Those on low incomes are also more likely to have a poor credit rating and less likely to recover from debt—they may need to access short-term, high-interest payday loans. Previously, these loans may have been used to cover unexpected large expenses, such as a car breaking down or to replace white goods. However, there is a real risk that these loans are now going to be taken, out of necessity, to cover basic living expenses.

Credit cards pose the same risk; what happens when next month rolls around and people have the same expenses to cover but a couple of hundred pounds less in the bank to cover last month's lending? It is a dangerous cycle and one that the Government must do everything in their power to prevent—these are not options that people should have to consider.

What if someone becomes sick? Statutory sick pay in the UK is the worst in Europe, at £96.35 per week. From April, a full-time job earning the national living wage is over £230 per week. I had a constituent contact me last week because she had missed the deadline for the warm home discount. She has no frequent internet access, a pay-as-you-go SIM card and she did not have the money to top up and call her supplier in time, so she lost out.

The Government cannot rest on their laurels any longer. Their own Back Benchers are calling for the national insurance hike to be scrapped; even the Chancellor is seeking to distance himself from it. It is clear that there is a need for action. I plead with the Minister and his colleagues: please, do not leave it until it is too late. Let us help our constituents through this difficult time.

10.10 am

Jim Shannon (Strangford) (DUP): It is an absolute pleasure to speak with you in the Chair, Mrs Cummins. I congratulate the hon. Member for North Ayrshire and Arran (Patricia Gibson) on leading the debate and on her important contribution; she knows about this subject, and speaks with real passion and belief. I am always encouraged whenever I hear her speak and, like other hon. Members present, I wholeheartedly support her on this issue. I could not attend a debate on this subject in the Chamber yesterday, because I was speaking here in a different debate—much as I may try, I cannot be in two places at once—so it is great to be present to endorse what the hon. Lady has said and support her fully.

This is a topic that applies to the whole United Kingdom. Although some housing matters are devolved, the issue remains the same across all of this United

Kingdom of Great Britain and Northern Ireland. The cost of living has been rising since early 2021, but in December 2021—just a few weeks ago—inflation reached its highest recorded level in decades, affecting the ability of households to afford goods and services. That is what this debate is about: affording the basics of life. The hon. Member for Weaver Vale (Mike Amesbury) gave a couple of examples that illustrate the issue of food prices. Consumer prices were 5.4% higher in December 2021 than the year before—just 12 months earlier—making it the highest inflation rate recorded since 1992.

The cost of living combines the prices of housing, fuel, electricity, food and domestic services. First, I will speak about the issue of house prices. The hon. Member for St Ives (Derek Thomas) referred to house prices in his area. Prices in Northern Ireland, including in my constituency and the constituency of my hon. Friend the Member for East Londonderry (Mr Campbell), are the highest they have been for ages. It is putting people in real debt. I want to explain that, if I can, in the short time I have.

House prices increased by 10% in November 2021. The average property has risen by £20,000 in the last year—the fastest pace of increase in 15 years. That gives us an idea of how quickly this is galloping forward. Wages are not keeping track. I have been contacted by multiple constituents—young people, in particular—who simply cannot get on the property ladder because of those prices.

There has been a 25% drop in those aged 25 to 29 who have a mortgage because they feel that rent is a better option financially. The thing is, it is not a better option, because their rental prices are going through the roof as well. Houses that could previously have been rented for perhaps £375 to £400 a month now cost £550 to £600 a month. That is an extra £150 that they have to find, which they just do not have. The press has described the housing situation in Northern Ireland as a survival of the richest, as the majority of people simply cannot afford the rising price of houses. That is not the society I want; I want a society where we all have an equal opportunity to acquire a house.

Mr Gregory Campbell (East Londonderry) (DUP): Does my hon. Friend agree that the picture that he is outlining—of escalating house prices, the inflation rate going through the roof and energy prices rocketing—sends a message to the Government that there need to be urgent solutions? We all understand that it is difficult because of the times that we are living in, but those solutions are needed now, not in six months' or two years' time. A crisis is emerging that all families, and particularly working families, are going to be hit with.

Jim Shannon: I absolutely agree and I thank my hon. Friend for his intervention. We look to the Minister to give us some encouragement. It is about now, not in six months' time; it is about getting over this mountain that our constituents are dealing with because of the rise in prices. My hon. Friend is right.

We can argue that a wage increase could assist with those payments, but in reality the added finance that people are earning is going straight to paying for the cost of living. Two hon. Members who have spoken today, including the hon. Member for Rutherglen and Hamilton West (Margaret Ferrier), have referred to the

issue of national insurance contributions. Today, it is being reported in the press that national insurance contributions may not actually be going up in April. I am not sure if that is true, but we cannot ignore the fact that there is no smoke without fire. Whether that is down to the Chancellor or the Prime Minister, I am not sure, but if that is the case, at least it would be something that we could take as help for our constituents—things we can do now, not later, as everyone is referring to.

Last week, I spoke about the rising prices of fuel. The fact that the Government and, back home, the Northern Ireland Assembly are having to provide additional schemes for people to avail themselves of shows that people are struggling to cope. The Communities Minister brought a scheme to the Northern Ireland Executive and Assembly to be endorsed: a £200 payment right away for those who are financially squeezed at this moment, and for those on benefits. We are doing it in Northern Ireland and I am sure that others are doing it elsewhere. Energy bills have already risen by a considerable amount and are set to rise to £2,000 per year from this April.

On my way to work each morning, I pass one of the oil companies in Newtownards, and they have prices up on the wall. Only about three months ago, the price of 900 litres of oil was £370—I remember, because I bought it at the time—but now it is £510. That is in a matter of months—my goodness! Those figures cannot be ignored. That is the reality right now. Such price rises will be detrimental to those already in fuel poverty. Recent statistics from National Energy Action estimate that between 1.2 million and 1.5 million households across the United Kingdom of Great Britain and Northern Ireland will struggle to pay their electricity or gas bills, adding to the cost of living in the UK.

On pension increases, a wee lady came to me to say, “Jim, tell me this: how will I spend the extra 25p I have in my pension?” What can I say to that honourable lady, who is a very good supporter of our party and of me individually? Twenty-five pence, my goodness! I have mentioned the price of oil and the price of food—as the hon. Member for Weaver Vale did, and as we all have. Twenty-five pence would not buy a loaf, a pint of milk—not even half a pint of milk—or a bar of chocolate. Twenty-five pence is a drop in the ocean, a ping on the ground; it is really nothing. I plead with the Minister for our pensioners. He is not ultimately responsible for this, but we need to have the discussions about what we need to do going forward.

The rising cost of food prices are contributing to the added cost of living. Food and non-alcoholic drink prices went up by 4.2% in the year to December 2021, on the official consumer price index measure of inflation. They may—they will—rise further in the coming months, and that contributes massively to the increase in families availing themselves of food banks. The Trussell Trust, which is in my constituency, delivered 2.5 million three-day packages over 2021. That was one of the highest figures in recent years.

In my constituency, the Trussell Trust in Newtownards indicated that it has done a third more food bank referrals. I know that we did it through our office by massive amounts on a year ago. That tells a story. People’s generosity to the food banks, with churches and individuals coming together, is massive, and we thank everyone who made contributions. However, we need to address the issues now.

At a time when many are struggling, I urge the Government to step in—because that is what we do. We do not always have the begging bowl out; it is about helping our people right now. I wish I had more time, but I do not, to go into detail about how badly the rise in the cost of living is impacting people. All too often, families struggle to make ends meet and the rise in prices for the most basic of daily needs is disheartening for so many. It depresses us no end.

To look towards the future, I also urge the Government and the Minister to remember that there will be a rise in national insurance, although I hope that today we will get an indication that that may not happen. We need such steps taken to help our people. The great thing about today is that all of us—all parties—are here together, but now we look to the Minister. His fellow Conservative, the hon. Member for St Ives, spoke convincingly about the issue. I think we have consensus across the Chamber on it, and we look to the Minister for encouragement to our constituents, and to ensure that the help that comes will come now and not later.

10.19 am

Mick Whitley (Birkenhead) (Lab): It is a pleasure to serve under your chairship, Mrs Cummins. I thank the hon. Member for North Ayrshire and Arran (Patricia Gibson) for securing this important debate. She made an excellent contribution, setting the scene. I also refer to my entry in the Register of Members’ Financial Interests.

I will talk first about just one of my thousands of constituents who are suffering so terribly as a result of the Tory cost of living crisis. In 1944, he fought to defeat fascism on the beaches of Normandy. At the end of the war, he returned home to the promise of a land fit for heroes. But now, in his late 90s and living alone, he is terrified by the prospect that one day very soon his modest pension will not stretch to cover the costs of soaring energy bills and food prices. He is not alone: all across the country, millions of people are living in freezing houses, too afraid to turn the heating on, while others are going hungry so that their kids get a half decent meal.

Meanwhile, with energy prices set to soar by a further 45% by spring, and households bracing themselves for a national insurance tax bombshell, this Government seem far more concerned with their own internal turmoil than with finally getting to grips with this crisis. I put one very simple question to the Minister today: how on earth can he justify letting a man who risked his life to defend our freedoms worry about the cost of turning his heating on in the middle of winter?

Last autumn, I warned Ministers that the impact of rising energy costs and the cut to universal credit risked plunging thousands of people on the Wirral into poverty. At the time, Ministers lazily dismissed my concerns out of hand, and the Prime Minister himself called fears about inflation “unfounded”. My God! Even now, when confronted with the reality of the situation, this Government refuse to act.

My party has set out a credible plan to address the scourge of rising energy costs. I urge Ministers to finally put the interests of our country above those of the Conservative party, and to set about removing VAT from domestic energy bills and implementing a windfall tax on North sea gas and oil to support those most in

[Mick Whitley]

need. But we must go further still. We must bring the energy sector back into public hands, so we can begin to slash bills for UK consumers and build a greener energy sector that is less dependent on foreign energy supplies. We must also acknowledge that energy is only one part of a much wider problem. For more than a decade, UK workers have seen their wages stagnate as prices have soared. Even our healthcare heroes, who have done so much to save lives and stop the spread of the terrible virus over the last two years, have not been spared, with last year's measly 3% pay rise amounting to a pay cut in real terms.

The Government must act now. That means abandoning their plan for a national insurance hike, which threatens to hit low-income workers and small businesses hardest of all, and committing themselves to a £15 minimum wage, as called for by my hon. Friend the Member for Middlesbrough (Andy McDonald).

10.22 am

Marion Fellows (Motherwell and Wishaw) (SNP): It is a pleasure to serve under your chairmanship for the very first time, Mrs Cummins. I congratulate my hon. Friend the Member for North Ayrshire and Arran (Patricia Gibson) on securing this timely and important debate, and thank all Members who have taken part. We have had a wide range of contributions, highlighting various factors concerning the cost of living these days.

This Tory Government are proud of their success in getting people into work—it is trumpeted at every turn. However, what is the point of getting people into work if doing so does not help them to support their families to get the basics in life? A pretend living wage just does not do that; it does not help them when they become sick and have to rely on an absolutely ludicrous statutory sick pay, and it does not help if they are a pensioner on the most meagre pension in the western world, or a WAPSI woman waiting and waiting for her pension to arrive.

The UK is one of the richest countries in the world, but the gap between the richest and poorest in our society continues to grow. Many of my constituents in Motherwell and Wishaw suffer under this Government. Energy bills will rise by 45% from April. "That is a worldwide issue," say this Government. That is true, but what makes the difference is what a Government do to mitigate poverty. What do this Tory Government do? Very, very little. As my hon. Friend the Member for North Ayrshire and Arran said, National Energy Action estimates that 6 million UK households will be living in fuel poverty by April—a 50% increase from April last year. I ask the Minister: what will be done about that? Inflation is rising, but the headline figures of predicted rises do not give the full picture. The think-tank Reform has said that inflation is hitting poorest families hardest.

Lorna Cooper from Paisley, the author of "Feed Your Family For £20 A Week", prepared a shopping list and meal plan for January 2021 and then made a comparison this month. In 2021, the shopping list for the meal plan cost £20.21. This year, the cost is £25.88, which is a 23% increase. As we all know, many supermarket basic ranges no longer exist, and there cannot be many of us who have not already heard of the 141% rise in the cost of basic pasta.

This UK Tory Government have failed to address a cost of living crisis that will disproportionately affect disabled people. The Joseph Rowntree Foundation found that 49% of those living in poverty in the UK are either disabled people, or live in a household containing a disabled person. The Disability Benefits Consortium estimated that 2 million eligible claimants have missed out on support due to the decision to exclude legacy benefits claimants from the £20 uplift—a decision that now faces legal challenges. It also found that even if disabled people had received the £20 uplift that they were denied, it would still not be enough to meet the real needs of disabled people who rely on benefits.

Research by Scope says that life already costs those who are disabled £583 more a month on average, and that families of disabled children

"On average, face extra costs of £581 a month".

It adds that

"For...24%...of families with disabled children, extra costs amount to over £1,000 a month."

Disabled people have been disproportionately impacted by the pandemic and the covid restrictions, from rising food and energy prices to the emotional toll of shielding, but disabled people have been forgotten about in this Tory covid recovery plan.

Providing unpaid care is pushing thousands of families into poverty, and will have a lasting impact on their finances and quality of life. That was the case before covid-19, but the situation has now been exacerbated by the pandemic. Now such families face a cost of living crisis.

The Family Fund found that in 2021, 75% of families with disabled children reported that the overall support available to them had decreased since the beginning of the pandemic, and 76% reported that their overall financial situation had become worse as a result of the pandemic—and now the cost of living is increasing daily.

Carers UK has found that carers are using their own income or savings to cover the cost of care, equipment or products for the person they care for. On average, carers spend an estimated £1,370 a year on services or equipment for the person they care for. It also found that 35% of carers who provide 35 or more hours of care a week have been or are in debt. These are the words of a carer:

"I don't have luxuries, can't afford life insurance, car insurance or house insurance. At 60 I shouldn't be using food banks and made to feel inadequate because I can't afford petrol."

Another carer has said:

"Crippled further by heating/electric going up even further to £177 a month. We have managed without heating in the past, I suspect we will again now"

Think about that—it is 2022. This situation is appalling.

What can be done about all this? The UK Government must introduce an emergency financial package to support the most vulnerable and to help families to cope with the Tory cost of living crisis. Here are some suggestions, based on what the SNP Scottish Government are doing, using their devolved powers to support disabled people—and, as my hon. Friend the Member for North Ayrshire and Arran has said, they are doing so on their fixed budget.

The Scottish Government have extended child winter heating assistance to include young people aged 16 to 18. In total, they will support severely disabled children,

and young people and their families, through a £202 payment to help with heating bills. This benefit is unique in the UK.

The Scottish Government's child disability payment opened for new applications in November last year. It is the first of three complex disability benefits to be introduced nationwide by the Scottish Government; the adult disability payment will be introduced at the end of this year. This new payment replaces the UK Government's disability living allowance for children and provides money to help with the extra care and mobility costs that children and young people with a disability may have. The Scottish Government will provide disabled people with a fundamentally different experience, based on dignity and respect. They will also ensure that individuals who face the greatest inequalities and risk of long-term unemployment are at the forefront of those benefiting from support.

What will this UK Tory Government do to help those most in need? Will they roll back the benefits cap, the two-child limit and the cut to universal credit of £20 per week—removed as the cost of living rises and never given to those on legacy benefits? Will they cut back on the rise in national insurance contributions from April, which will affect the lowest paid, but not those living off dividends and property rentals? Will they provide real help with energy costs and housing costs, which have been mentioned a lot in this debate? I should like to think that they will, but I doubt it.

As a bonny lass from Ayr, it would be remiss of me to let today go without a bit of Burns, so here is the "Selkirk Grace":

"Some hae meat an canna eat,
And some wad eat that want it;
But we hae meat, and we can eat,
And sae the Lord be thankit."

It was true in Burns' day that there were haves and have-nots; it is a disgrace that this state of affairs still exists in the UK in 2022. People and organisations across Motherwell and Wishaw, and the whole UK, are fighting the effects of poverty day and daily. It is time for this UK Government to step up and do the same.

10.31 am

Alison McGovern (Wirral South) (Lab): It is a pleasure to serve under your chairship in this important debate, Mrs Cummins, and I congratulate the hon. Member for North Ayrshire and Arran (Patricia Gibson) on having secured it. It is a fairly obvious truth that there are things that really matter to our country, and the subject of today's debate is one of them. There are also things that are embarrassing and we wish we did not have to talk about, and frankly the sorry state of Downing Street is one of those, so I am glad to be here in this debate, talking about something that really matters.

The cost of living crisis that we are facing is going to come to a crunch this year, but let us be honest: it has been a problem for the past decade. When a country has had slow or no growth for a decade, and when wages are held down while prices rise, that will cause a problem for the vast majority of families in that country. Those who are in the worst financial situations face the indignity of having a food bank parcel where their shopping should be, unlike every other normal family in this country. It is outrageous that 2.5 million of our fellow citizens, including half a million children, are in that

position. That is not the product of events that have happened in the global markets in recent times; it is the product of 10 years of lost economic growth, and 10 years of lost progress on tackling poverty in this country. That is why we are here today.

Jim Shannon: As we look at the rise of referrals to food banks, it is important to note that a different category is increasing: those in the middle class are also squeezed now. We are finding that more and more people are under the cosh of prices. We all know how important the role of food banks is, but the Government have to recognise that this crisis is greater than it ever was before.

Alison McGovern: I thank the hon. Member for his intervention, and to a degree, I agree with him: any of us could end up needing to go to a food bank. This can happen to any of us, but important though food banks have become, I want a Government that seek to end the need for them. Is that too much to ask? Do we just have to accept food banks as a permanent feature of our country now, or might we one day have a Government that set out to end the need for them?

As much as I agree with some of the points made by colleagues from the SNP, I have to challenge them. How are they going to meet their own goal set in 2017 of child poverty reduction? It was made without qualification. We all want to see an end to child poverty and therefore it is important that that goal is met. I feel strongly that the Tories in Westminster made the wrong choice in getting rid of Labour's national goal to end child poverty and wiping the Child Poverty Act 2010 from the statute book. It is equally important that those who have made commitments to the people of Scotland stick to them.

Marion Fellows: The way the Scottish Government will do this is through independence and the control of our own economic levers—it is as simple as that. We make commitments and we hope to be able to achieve them, because then we can do things the way they should be done and in the way that is best for people in Scotland.

Alison McGovern: I look forward to hearing how that is going to work. I think the way to tackle poverty everywhere in the United Kingdom is through co-operation and the use of the redistributive force of the United Kingdom Treasury. Members rightly mention the bad impact of the botched Brexit deal on our country's economic fortunes. I would hate to see any part of our country go through the same thing with the loss of access to the United Kingdom single market, so I look forward to hearing more in future debates about how that will work.

I turn to the UK Government and the issue of inflation. Members have mentioned that the headline inflation rate in no way represents the specific forces of inflation that are faced by those with the least. I think people who suffer poverty must be some of the finest economists in the country, because they are able to monitor prices and make every penny they have stretch further when they need to. The Government should take some responsibility here. What has the Minister asked of the Office for National Statistics, in respect of its measuring and reporting, so that we can know exactly what situation is faced by the people who have the least in this country?

[Alison McGovern]

I point the Minister to the comments of the chief executive of Iceland, who says that he is losing customers not to his competitors but to food banks. That should tell the Minister that we really do have a problem with prices in this country that cannot simply be understood from the headline rate of inflation.

Secondly, on work, does the Minister accept that whatever the intention of a jobs plan that set aside £9 billion for a job retention grant that was then cancelled; whatever the intention of a jobs plan that had a kickstart programme that was supposed to get jobs for 250,000 of our young people but failed to do so; and whatever the intention of a jobs plan that was supposed to bring older people back to the workforce, given the level of vacancies in our country now, that jobs plan was a failure?

Does he further accept that when it comes to people's wages—the other side of the cost of living crisis—a crucial part of the problem is that people have too little choice about the job they do? The OBR says that one in five people is working below their skill level. They could get a better job, but they have not. The Government have much more to do to improve people's prospects at work. I would bet the Minister agrees that the best route out of poverty is work. Why do we have a Tory Government that are failing to get people jobs that can pay for their bills and shopping? It is an outrageous situation.

Finally, I turn to some of the other ways in which people need help. If we think about people's ability to earn more, some of the things that are holding them back are those facts about our economy that we have known about for far too long. The childcare system in this country is expensive and complicated. What steps has the Minister taken to simplify it? People trying to make ends meet on a lone parent's income, for example, are limited by the cost of childcare and whether it is available at all. I think again of the one in five people who work below their skill level. A lot of them have caring responsibilities for children or older relatives and cannot work longer hours in their jobs because they do not have care support. What conversations has the Minister had about solving that?

I also want to mention the simple fact that in too many parts of our country it is hard to get around on public transport. The price of buses has gone through the roof in recent years, and in some parts of the country people cannot travel to a job because there is no public transport. Yes, the price of motoring has gone up, but it is hard to get a better job if someone relies on public transport in areas that have too little.

It would be remiss of me not to mention the fact that too few people are members of trade unions in this country, and that limits their ability to bargain for better wages.

The Labour party has put forward some simple, compelling and obvious ways in which the Government could take steps today to tackle the cost of living crisis. Whether it is cutting VAT on fuel or extending the warm home grant through a windfall tax on oil and gas, we know there are steps that we can take now. However, I want to hear from the Minister about the bigger structural changes that we need to fundamentally shift our economy so that every family in this country can truly make ends meet.

10.41 am

The Parliamentary Under-Secretary of State for Work and Pensions (David Rutley): It is a pleasure to serve under your chairmanship today, Mrs Cummins, and to see your wonderful smiling face. I congratulate the hon. Member for North Ayrshire and Arran (Patricia Gibson) on securing the debate. It has been a lively one on important issues, but it was brightened up by the wonderful tie of my hon. Friend the Member for St Ives (Derek Thomas).

The Government are taking the present challenges of those on low incomes very seriously. The pandemic has been challenging for many people. We acted quickly to put in place unprecedented levels of support during this period, as has been highlighted by some Members today. After yesterday's debate, it feels a little like groundhog day discussing these issues today, but they are important. As was highlighted yesterday, given the current cost-of-living challenges, we in the Government are actively working on the best way to build on the existing support that is available. I hope that will reassure the hon. Members for Strangford (Jim Shannon) and for East Londonderry (Mr Campbell), who raised points on this, as well as my hon. Friend the Member for St Ives.

Since the pandemic started, we have spent more than £400 billion on protecting people's jobs and livelihoods and supporting businesses and public services. There has been unprecedented welfare support. Universal credit has stood up to the challenge of covid-19, providing a vital safety net for 6 million people. We must thank the hard-working staff at the Department for Work and Pensions, including the thousands of work coaches across all our constituencies, who worked tirelessly to ensure that the benefits system did its job. Many of them are the pandemic's unsung heroes. I hope that we make an extra effort to thank them when we perform our constituency duties over the weeks ahead, if we have not done so already.

Alison McGovern: I just want to add that whatever the policy disagreements between our parties, I agree wholeheartedly that those who work for the DWP, particularly on the frontline, deserve all our thanks.

David Rutley: I am grateful for that comment. The hon. Lady did not have to say that; I know her well enough to know that she feels that way. We have differences over policy, but we know we have very dedicated public servants in the UK and Scottish Governments who are committed to addressing the issues, and we are grateful for their work.

It is also important to highlight the fact that our successful vaccine programme is providing us with the protection to fight the virus in all its forms. Although we need to remain cautious, the latest labour market statistics show that time and again we have made positive decisions during the pandemic. As we have shown throughout the pandemic, the Government will do what it takes to support people who are struggling financially. Supporting vulnerable people in our society is of paramount importance to me, our Secretary of State and the Government.

The proportion of Government spending that goes on welfare reflects a strong commitment to the poorest in society. This year, we will invest more than £250 billion through the welfare system, including £110 billion on

people of working age. That rightly provides an important safety net. We also take notice of the clear evidence that work, particularly where it is full time, plays an essential role in reducing the risk of poverty. With our economic recovery continuing, it is right to focus our attention on getting people back into work.

The latest job figures tell a positive story. A record number of people are now in payroll employment in the UK, with 23,000 people added to the payroll in Scotland in December alone. The UK has a buoyant labour market, with 1.25 million vacancies. That figure is has increased by 33,000, or 2.7%, on the month, and by 462,000, or 58.9%, since the start of the pandemic, offering people opportunities to secure a job, progress in work and increase their earnings. Current estimates show that the number of online job adverts in Scotland alone has risen by 13.3% since the start of the pandemic. To help people take advantage of those vacancies, our extended multibillion-pound plan for jobs will help people across the UK find work and boost their wages and prospects.

The hon. Member for Wirral South (Alison McGovern) will probably shake her head at this point, but we are making real progress. We have opened 150 temporary job centres; I had the honour of opening the most recent one in Macclesfield last Friday. We have recruited 13,500 work coaches. They make a difference because they care about individuals, often meeting them face-to-face—increasingly so as we come out of the pandemic. There are 1,200 extra work coaches in Scotland, helping with this vital task.

We are also investing in our young people through the kickstart scheme: 112,000 young people have started a life-changing six-month work placement, and 10,000 of those starts were in Scotland.¹

Alison McGovern: It was supposed to be 250,000 by now. Given what the Minister just said, what accounts for the gap?

David Rutley: There are more vacancies available, and we are encouraging people to take them up across the country, in Scotland as well. The scheme has seen real success in turning people's lives around. There are further opportunities in the months ahead for people to get involved with that important programme.

It does not stop there, because we want to ensure that we help address some of the gaps in the workforce that were highlighted yesterday: in hospitality, health and social care, and technology. Sector-based work academies help people to get new skills and a guaranteed job interview at the end of their placement.

I also recognise, along with many others here, the immense value that older workers bring to the workforce. That is why the DWP is providing specific funding for that cohort. There is funding available for the over-50s to get tailored Jobcentre Plus support, to help them find work and build on skills to get into the workforce.

In addition, to support those jobseekers who are out of work for 12 months or more, our Restart scheme provides intensive support to help claimants in England and Wales find jobs in their local area, which I am sure will be welcomed across the Chamber today. Through regular contact with all participants, providers will develop a strong understanding of the individual's employment

history, skills, aspirations and support needs to help each one succeed. That will break down the employment barriers holding claimants back from finding work.

I remind hon. Members that the DWP is focused on helping people to increase their income by progressing in work. We often talk about the importance of getting people into work, but we are equally committed to helping people progress in work and move ahead with their career aspirations. We will shortly respond to Baroness McGregor-Smith's report on in-work progression and set out our approach. I hope that will be welcomed by the hon. Member for Motherwell and Wishaw (Marion Fellows), who was concerned about that issue.

Universal credit incentivises work as part of its design. With that in mind, we have gone further to make work pay, as has been referred to, by cutting universal credit taper rates from 63% to 55%, and increasing universal credit work allowances by £500 a year. That is essentially a tax cut for the lowest paid in society, worth around £2.2 billion in 2022-23. That means that 1.9 million households will keep, on average, around an extra £1,000 a year. In addition, from April 2022, we will boost the national living wage by 6.6% to £9.50, which is ahead of inflation and worth another £1,000 each year to workers on the lowest pay.

Jim Shannon: A number of Members have asked for confirmation that the national insurance contributions planned for April will be deferred, adjusted or done away with. I know the Minister cannot answer that question, because it is not his responsibility, but can he take it to the Chancellor for his consideration? That would be an excellent step in the right direction to help those who are under financial pressure.

David Rutley: The hon. Gentleman makes his point with characteristic commitment and compassion. We on the Treasury Bench note that and will make sure that it gets through. The particular levy he talks about is to tackle the impact of the pandemic on the NHS and to face a challenge that has not been faced adequately across many decades—to tackle social care—but the points he makes have been noted.

Coming back to the national living wage, the hon. Member for Edinburgh North and Leith (Deidre Brock) made some points about how we can move forward. Let me reassure her that the Low Pay Commission forecasts that the national living wage will reach £10 next year. That is consistent with the target for the national living wage to reach two thirds of median earnings by 2024. We will not stop at the 6.6% increase.

Patricia Gibson: I note the interesting comments from the Minister about the national living wage and the planned increases, which I am sure will be welcome, so far as they go. Do his Government have any plans to deal with the age discrimination that is baked into the national living wage, which is not really a living wage?

David Rutley: I know where the hon. Lady is coming from. The issue is that younger people typically and often do not face the same cost challenges as other older people, because they are able to share accommodation costs with others. I do not regard it as discrimination, but I acknowledge the different costs that people face.

1. [Official Report, 9 February 2022; Vol. 708, c. 12MC.]

[David Rutley]

Further support for working parents has been put in place, doubling free childcare for working parents to 30 hours and increasing the value of healthy start vouchers by over a third, to boost the long-term health of young children. We are investing over £200 million a year from this year to continue the holiday activities and food programme, which provides enriching activities and healthy meals to children in all English local authorities.

I have noted discussion, not just today but yesterday, on concerns about the cost of living. We recognise that those exist, particularly in the case of energy costs. However, let me remind hon. Members of the measures we have in place to combat the adverse effects of the increase in worldwide oil and gas prices, which is a reaction to demand surging after the pandemic and the effect that has had on the global economy and our own economy. The energy price cap will remain in place at least until the end of 2022, to protect millions of customers and ensure they pay a fair price for their energy. Despite the rising costs for said energy, Ofgem has confirmed that the cap will stay at the current level this winter.

Secondly, winter fuel payments will be made to over 11 million pensioners this winter, ensuring that older people have the security and dignity they deserve. Households with someone of state pension age will receive £200, and households with someone over 80 will receive £300. Thirdly, cold weather payments help vulnerable people in receipt of certain income-related benefits to meet the additional costs of heating during periods of unseasonably severe cold weather. That includes older people receiving pension credit and those receiving an income-based benefit with a disability component or where the household includes a child under five. In 2020-21, just over 4 million payments were made, at a cost of just over £100 million.¹

Finally, this Government are supporting 2.2 million low-income households by issuing a £140 rebate on their energy bills through the warm home discount, which is worth £354 million. From this year, proposed changes will increase the scheme by £121 million, to be worth £475 million a year, with nearly 3 million households receiving a £150 rebate. As I said at the start, we are working across Government—I reiterated this yesterday, as did my right hon. Friend the Chief Secretary to the Treasury—to determine the appropriate response to assist vulnerable people facing rising energy costs. We recognise that people will be facing unexpected challenges with essential household costs. That is why in October we introduced a £500 million support fund to assist vulnerable households across the country this winter. The £421 million household support fund in England has enabled local authorities to provide targeted support to households in need of help with the cost of food, utilities and wider essentials; and the devolved Administrations received a total of almost £80 million through the Barnett formula, with Scotland receiving £41 million of that. I am pleased to see that they have all used the money to help households this winter.

Beyond this package of support, some people are struggling with debt pressures. The Government work closely with the Money and Pensions Service, and the wider free-to-client debt advice sector, to provide access to high-quality debt advice. The service remains the

biggest funder of free debt advice in England. The DWP also uses appropriate touchpoints to ensure that those in receipt of benefits are signposted quickly and directly to expert financial help. To help those people, the debt respite scheme, also known as Breathing Space, came into effect in England and Wales on 4 May 2021. That gives someone in problem debt the right to legal protections from creditor action.

It is important to place the cost of living challenges in context. Prices are rising in countries around the world. As the global economy recovers from the pandemic, consumer demand is surging at the same time as global supply chains are being disrupted. We recognise and understand the pressures that this is exerting on people's wallets, and their worries as they see the cost of food, energy and other essentials increase. My right hon. Friends the Prime Minister, the Chancellor of the Exchequer and the Secretary of State for Work and Pensions—indeed, all of us in government—are listening to those concerns and watching what is happening in the markets. As has been shown during the pandemic, this Government will do what it takes to support those most in need. I can assure hon. Members that we are continuing to actively work across Government to build on the existing support, already available, and to determine the appropriate response to assist vulnerable people facing rising energy costs.

Mick Whitley: Could the Minister tell me how it is that 27 energy firms have gone bankrupt? There is something wrong. Could he explain to the Chamber why?

David Rutley: The hon. Gentleman got in quickly there; I was about to end my remarks. This is a complex challenge. We know that there has been a real surge, and the Department for Business, Energy and Industrial Strategy is working actively to address these challenges. As I have said here, we are not concerned only about what has happened at the customer-facing end of the supply chain and the challenges that that has given to customers. The issue is the rising prices as well, and that is what we are focusing on.

10.58 am

Patricia Gibson: I did not expect a dramatic policy announcement from the Minister today, but I was hoping, and I think we were all hoping, for a change of tone to signify that more would be done. I was hoping that, even if the Minister could not be specific, he would make a commitment that more would be done; that this Government would look more carefully at what could be done for those at the sharp end of the cost of living crisis. We in Scotland understand that, to truly tackle the cost of living crisis, we need all the powers over tax and welfare. That is what is needed to properly address those challenges in order to build a fairer and more just society. For Scotland, it is clear from the Minister's answer and from yesterday that we must take our future into our own hands and build the just, fairer and more equal society that people in Scotland actually want.

Question put and agreed to.

Resolved,

That this House has considered the cost of living in the UK.

1. [Official Report, 9 February 2022; Vol. 708, c. 12MC.]

Tourette's syndrome

[Relevant document: e-petition 575370, *Increase funding to provide support and research into Tourette's Syndrome.*]

11 am

Judith Cummins (in the Chair): Before we begin, I remind Members that they are expected to wear face coverings when they are not speaking in the debate. This is in line with current Government guidance and that of the House of Commons Commission. I will call Conor McGinn to move the motion and then I will call the Minister to respond. There will not be an opportunity for the Member in charge to wind up, as is the convention for 30-minute debates.

Conor McGinn (St Helens North) (Lab): I beg to move,

That this House has considered the treatment and study of Tourette's syndrome.

It is a pleasure to serve under your chairmanship, Ms Cummins. I am delighted to have secured this debate on Tourette's syndrome and how a lack of provision for research, diagnosis and treatment is impacting on individuals and families across the United Kingdom.

First, it is worth explaining what Tourette's syndrome is. In short, it is an inherited neurological condition that causes involuntary and uncontrollable motor and vocal tics. Tics usually start in childhood, around the age of six or seven, and can fluctuate in severity and frequency, potentially occurring in nearly any part of the body and in any muscle. This can be painful, as one might imagine, and of course very debilitating, even disabling. Tourette's is not often experienced in isolation. Up to 85% of those with Tourette's syndrome will also experience co-occurring conditions and features, which might include attention deficit hyperactivity disorder, ADHD, or obsessive compulsive disorder, OCD, and indeed anxiety. These can be equally challenging, if not in some cases more challenging to manage than tics.

By far the biggest misconception about Tourette's is that it is a condition that simply makes people swear or say socially inappropriate things. Involuntary swearing is a symptom of Tourette's syndrome, but it affects only a minority. Ninety per cent. of people with Tourette's do not have this symptom. However, having secured this debate, in my experience it is the single factor that those I have spoken to—colleagues in this place and others—commonly think of as the defining characteristic of Tourette's. That goes to the heart of the challenge that we have in addressing some of the misconceptions about this condition.

Despite Tourette's syndrome affecting the quality of life of over 300,000 people here in the UK—including, figures indicate, approximately one school-age child in every 100, most of whom are undiagnosed—this is a condition that, although relatively prevalent, remains widely misunderstood. Indeed, it is often deeply stigmatised and mocked throughout society. The stigma cannot be overstated, and the impact of it is very real. A recent study published in the *Journal of Developmental and Physical Disabilities* in 2021 outlined just how many participants faced discrimination in numerous aspects of life: 75% in education, 71% in their social lives, 61% on public transport and 54% in employment. A 2017

study concluded that people with Tourette's are over four times more likely than the general population to take their own lives.

The reason I applied for and am leading today's debate is to support my constituent Emma McNally, a St Helens mum who first wrote to me in July 2020. Her son was diagnosed with Tourette's syndrome aged nine and could access regular appointments under the care of an excellent neurologist at Liverpool's Alder Hey Hospital, which I know is familiar to the Minister. The retirement of the specialist in March 2020 left a gaping hole in provision locally and Emma's son was discharged, with no one able to take him on. Unacceptably, to this day he has been left without the care he needs.

Emma's journey—from local St Helens mum, living in Parr in my constituency, who contacted her local MP—to national campaigner and now the chief executive of the national charity for Tourette's has done a great deal to highlight and raise awareness of this condition. Her e-petition on Tourette's, submitted through the mechanism we have in this House, secured 71,000 signatures, which reflects the clear strength of feeling across the country for better care and services. She is fighting tenaciously on behalf of families around the country. Although her petition sadly fell just short of the threshold required for automatic discussion in this House, I am glad that we are having today's debate, which goes some way to doing justice to her brilliant work and the importance of this issue. I have been contacted by more than 30 colleagues from all parties across the House, from all parts of the United Kingdom, who have expressed their support. I want especially to mention the Minister's colleague and the erstwhile Parliamentary Private Secretary at the Department of Health and Social Care, the hon. Member for St Austell and Newquay (Steve Double), who has worked with me over the last year on this issue. He is prohibited from actively participating in this debate because he is now in the Government Whips Office.

The debate is long overdue. The last time the House met to debate Tourette's syndrome was in 2010. Back then, the charity Tourettes Action held a list of 44 consultants in the UK with a special interest in Tourette's syndrome. Now, there are only 17 who provide care in the NHS and will see children, and there are none in the north-west. I am sad to say that the picture for those living with this condition and their families has got worse over the last decade, and it should be getting better. We need to change this.

Families tell me that there is a significant and urgent need for specialist services and clinicians to bolster early diagnosis and rapid treatment. Early intervention in Tourette's cases could reduce the more pernicious, longer-term strains on an individual's mental and physical health and wellbeing, as well as on that of their friends, families, colleagues and teachers, by giving them a clear diagnosis and an idea of who to turn to.

Mr Gregory Campbell (East Londonderry) (DUP): I congratulate the hon. Member on securing the debate. On the issue that he has explained—the much-misunderstood aspects of Tourette's—would he agree with me that we need not only more finance and more professionals involved in treatment but a greater degree of research into the development of Tourette's, to assure present and future generations that it can be seriously tackled?

Conor McGinn: I thank the hon. Gentleman for his support and his intervention. I will come to research; it is an absolutely critical part of a holistic approach that understands more about the condition, intervenes early and provides ongoing care. I thank him for his support for his constituents affected by Tourette's.

I am sure that the Minister will agree that it is unacceptable that Emma McNally's son has to travel to London from St Helens to have treatment for this condition. That is something that we need to change. Although there are specialist centres for Tourette's, the problem for families is that many centres accept only local referrals, or those from local child and adolescent mental health services. If there is no Tourette's specialist at a local CAMHS, or indeed in the clinical commissioning group area—and the CCG considers this outside its remit—the result is that care is inevitably denied. That produces a Catch-22 situation: care is not available locally at CCG level or further afield regionally—and only sparingly nationally.

Families want clearer referral pathways to help those with Tourette's, as well as clearer referral guidelines for professionals. Despite their best efforts, many GPs simply do not know where to refer children or adults with tic disorders. Currently, many patients are experiencing long waiting times and the ping-pong of being referred back and forth from one service to another, which, as well as being incredibly frustrating for patients, wastes the time and resources of our professionals in the NHS.

Even clinicians in CAMHS and paediatrics lack clarity on how to treat tics. That needs fundamental improvement. A clearer process, with clearer guidelines, along with more professionals with a specialist interest in treating Tourette's, would also go some way to reducing the number of patients who are diagnosed and discharged at the same appointment. For them, follow-up care is not a possibility. They then find themselves trapped in a spiral of referral and rejection.

As the hon. Member for East Londonderry (Mr Campbell) has already alluded to, research is key for clinical and public understanding. The Government's response to Emma McNally's petition said:

"Funding has been committed to support research into Tourette's syndrome."

Research investment into this condition through the National Institute for Health Research plummeted by almost 50% between 2019-20 and 2020-21, from just under £670,000 to just over £362,000. I repeat:

"Funding has been committed to support research into Tourette's syndrome."

The Government also referenced a renewed focus on expanding Health Education England's clinical psychology training intake to help adopt and develop services and respond to patients' needs. When I asked Ministers what proportion of the wider clinical psychology intake had taken a specialist or, indeed, any interest in a Tourette's placement, the Department said it did not possess that information. That will not provide much assurance to families listening today. I know the Minister is sympathetic, which is why I have deliberately made this debate about the issue and the policy, because it is one that we can work on together. Will she provide some clarity on that now, or if that is not possible today, can she take it away and write to me?

It is a question of fairness. Tourette's has similar levels of prevalence in our society as autism and epilepsy, but where diagnosis and support, along with public awareness, for those conditions has improved in recent years, understanding and support for Tourette's remains much more limited. Indeed, it is hard to imagine where many individuals and families would be without the fantastic work of charity and support groups in this area, such as Tourettes Action, The Brain Charity, the ADHD Foundation and others who do so much to support people.

In conclusion, I hope today's debate will play a role in raising awareness of Tourette's syndrome and the wider struggle that so many families across the country face in getting the support and treatment to which they should be entitled. The Minister has heard what I have had to say. Will she meet Emma and some of the other families to hear directly from them, if the opportunity arises? I know her intentions are good and I am sure that she will pledge to do her bit to work with me and others in this House who take an interest in this, as well as with the people who are directly affected. That way, we can try to transform the experience of those living with Tourette's syndrome so they can get the support they need to live the happy and fulfilled lives that they very much deserve.

11.13 am

The Minister for Care and Mental Health (Gillian Keegan): It is a pleasure to serve under your chairmanship, Mrs Cummins. I thank the hon. Member for St Helens North (Conor McGinn) for securing the debate on this important issue. I have been listening and have heard his impassioned case for better support for children and young people with Tourette's syndrome. In particular, I was touched by the story of one of his constituents, Emma McNally, and the difficulties that she and her son face in accessing the care and support that he needs. I want to extend my personal thanks to Emma, whose tireless campaigning, along with that of other parents of children with Tourette's, has helped emphasise the importance of children with Tourette's getting the help they need and the difficulties that they are facing getting that help, particularly in the north-west of England.

I know that for many patients and families, Tourette's can be an extremely debilitating condition to live with. I regularly receive correspondence on this issue. I was particularly moved by the case of Jay Mangan from Sefton Central and his two children, Rebecca and Jack, both of whom have Tourette's. Having watched the video that Mr Mangan shared, I was struck by the severity of the tic episodes that both Rebecca and Jack routinely suffer. As the hon. Member for St Helens North flagged in his speech, Tourette's syndrome can be misunderstood. There is not much awareness of it, so videos such as Mr Mangan's are helpful.

It is also important that Mr Mangan and families such as his get the support that they need. We know that with the right care and support, someone living with Tourette's syndrome can lead a fulfilling life, which is why the Government are determined to ensure that all those with the condition have access to the appropriate services.

The majority of services are commissioned by clinical commissioning groups, which are best placed to understand the needs of their local area. Services are commissioned

through local community paediatric services or child and adolescent mental health services. Such services will be appropriate for the majority of children and young people with Tourette's syndrome, and the teams involved will refer them to multidisciplinary teams, including clinical psychologists where necessary, to help with the management of their conditions.

Clinicians are supported in that work through the BMJ Best Practice guidance on Tourette's, which covers both diagnosis and management. For children who require more specialist support, there are currently three recognised specialist centres in the UK—one in Sheffield, and two in London. These centres have internationally recognised expertise in the assessment and management of Tourette's syndrome.

Following the retirement of a consultant at Alder Hey Children's Hospital who had developed a special interest in Tourette's, I understand that the current level of support available in the area is different—we heard how that impacted on Emma's son. Local CCGs have acknowledged the impact on families and are considering options to address the matter. We understand that Alder Hey Children's Hospital has developed a proposal for a local tertiary service for Tourette's, which is currently under review. Discussions with the nine Cheshire and Merseyside CCGs are being led by the NHS Liverpool CCG, with a meeting planned for later this month in order to scrutinise the proposed clinical model. I have asked to be personally apprised of the situation, and I want to take this opportunity to extend an invitation to the hon. Member for St Helens North to meet me and discuss the local situation further. Of course, I would also be very happy to meet the families and learn as much as I can from lived experience.

To support patients across the country, it is vital that we have sufficient numbers of trained healthcare professionals, as the hon. Gentleman said. There were more doctors and consultants working in the specialism of neurology in NHS trusts and CCGs in September 2021 than there were 12 months earlier. Furthermore, Health Education England has supported a 60% expansion in the clinical psychology training intake over the past two years, which is expected to achieve a growth of 2,520 additional psychologists in the NHS workforce by 2025. Clinical psychologists are well placed to develop new services and undertake further bespoke development to respond to the needs of patients with Tourette's syndrome.

To support the provision of services that can help children and young people with Tourette's, we are increasing funding to child and adolescent mental health services. In March 2021, we announced an additional £79 million of funding, which will be used to significantly expand children's mental health services. That will allow around

22,500 more children and young people to access community health services, and it will provide a faster increase in the coverage of mental health support teams in schools and colleges. The Department for Education has also announced more than £17 million to improve mental health and wellbeing in schools and colleges, including new funding to train thousands of senior mental health leads.

However, we acknowledge that support must be provided to unpaid carers of children and young people with Tourette's, whose lives are significantly impacted on by the responsibility of providing around-the-clock care and support. We will invest up to £25 million to work with the sector to kick-start a change in the services provided, to support unpaid carers. We know what vital role they play and the sacrifices that they make for their families. We expect that the funding will identify and test a range of new and existing interventions, which could include respite breaks and peer group and wellbeing support.

The hon. Member for East Londonderry (Mr Campbell) mentioned research, which is very important. As we look forward, we recognise the value of funding and supporting research into Tourette's. We are currently funding a number of studies, including a study on deep brain stimulation in people with Tourette's and a digital behavioural intervention for tics in children and adolescents.

The hon. Member for St Helens North mentioned the variability in funding: some £2.1 million was spent on Tourette's research between 2018 and 2020, but that figure depends on applications to the fund, which are not always linear. However, we very much welcome applications to that fund in order to understand Tourette's and its underlying conditions, in addition to those studies that we are undertaking.

I close by once again thanking the hon. Member for St Helens North for securing this important debate. It is important in raising awareness, and it is important to families in the north-west, in the Merseyside area—an area that I am familiar with, as the hon. Gentleman said, because it is where I am from. It is important that families get the support they need, because the condition is difficult for some families to overcome. I thank those parents and families as well for all their work on raising the profile of this condition and the understanding that, with the right care and support, people can go on to live fulfilling and happy lives. I look forward to meeting with the hon. Gentleman and some of the campaigners to discuss this issue further, and to focus on securing the support that many families in the north-west need.

Question put and agreed to.

11.21 am

Sitting suspended.

Early Years Educators

[JAMES GRAY *in the Chair*]

2.30 pm

James Gray (in the Chair): Before we start this afternoon's proceedings, I remind Members that Mr Speaker enjoins us to wear our masks when we are not speaking, to maintain social distancing and to do all of those things that I know Members want to do anyhow.

Steve Brine (Winchester) (Con): I beg to move,

That this House has considered the role of early years educators.

It is a pleasure to see you in the Chair, Mr Gray. Looking around me, I also see many friends and supporters of our early years sector. I thank them for taking time out of their schedules to come to debate this issue; I know that there are a lot of important competing issues in Parliament today.

I start with two declarations of interest. First, I am married to a hard-working early years educator, who will be arriving home very shortly to pick up the school run and then juggle all the different things that working mums do while working dads are in Parliament—or vice versa. Secondly, for the last couple of years it has been my pleasure to chair the all-party parliamentary group on childcare and early education; we held our annual general meeting in the last hour, actually. I want to extend my thanks to parliamentary colleagues who have supported our work over the last year and have committed to do so for the year ahead. I was somehow re-elected chairman of the group for the next year. I also thank many colleagues old and new who have agreed to serve as officers for the coming year: we have much to do.

This afternoon's debate is timely. It rather wonderfully coincides with the all-party group's annual childcare and early education week, which celebrates and promotes the hard work of our early years educators and sector. Our theme for this year is celebrating the role of the early years workforce as educators, which is what I wanted to place at the heart of my chairmanship of the group, and seeking to explore the challenges that the workforce faces and celebrate the good work that it does.

Last week, the all-party group held a forum for parents to share their experiences of early years educators and settings. It was chaired by the brilliant Professor Kathy Sylva of Oxford University. Professor Sylva is at this very moment providing an update to the meeting of our all-party group, which is being chaired in my absence by the Father of the House, my hon. Friend the Member for Worthing West (Sir Peter Bottomley). The session is being recorded, and I urge any colleagues who would like to catch up on it to follow our social media channels. Parents provided some incredible examples. I see this as an example of the very best work that we can do in Westminster, and I am sure that Professor Sylva will not mind me touching on some of the things that were said. One parent spoke about the empathy, patience and humour an early years educator shows when working with both her and her child, who has significant special educational needs. Another reminded us of the little freedoms that early years settings empower families to have. One lady said she occasionally has lunch with her partner; that may sound frivolous, but one of the best things that we can do for our children is provide them

with a loving, secure home environment—and making sure that mum and dad stay mum and dad is rather important, too. One phrase that touched me was from a parent discussing the key worker in their child's early years setting, who said:

“Simply, we would be lost without these people. They are truly amazing.”

Of course, there are areas for development in the early years workforce as we strive for its continued betterment. At our forum, parents raised the issues of settings' opening hours and, overwhelmingly, the need to ensure that early years educators are properly paid, a subject to which I will return.

I commend the Government for acting on this issue in the spending review. Following a meeting that my hon. Friend the Member for Bury North (James Daly) and I had with the Chancellor of the Exchequer, my right hon. Friend the Member for Richmond (Yorks) (Rishi Sunak), he placed early years at the centre of some of his announcements in this area in the Budget. He quadrupled the funding for early years settings over the next three years. That was most welcome, and an important step towards shoring up a sector that has been heavily hit, it is fair to say, during the pandemic.

However, as I have said before, this is not just about money. The early years sector faces an existential crisis as settings are being forced to close, and the valued early years educators that we are talking about are then lost to other lines of work, often due to remuneration. Most worryingly of all, bright young prospects are put off a career as an early years educator. At a meeting of our all-party group in December, two apprentices spoke compellingly about their work with children under five. However, those brilliant talents were pursuing careers in social care and not in early years. Social care is an important vocation, but they are a great loss to the potential early years workforce of tomorrow, and we need them. So more must be done to draw the early years educators of tomorrow towards the profession, and not push them away.

Tulip Siddiq (Hampstead and Kilburn) (Lab): Will the hon. Gentleman give way?

Steve Brine: I will give way to my predecessor as chair of the all-party group.

Tulip Siddiq: I know the hon. Member is a doughty champion for the early years sector. I have heard him mention his wife on several occasions and admire the work that she does. In an ideal world I would stay and make a speech in this debate, but I have to leave because I have moved to the shadow Treasury team and I have a commitment.

I wanted to come and pay tribute to the early years educators, and I am pleased the hon. Member still uses the term “educators”, because they are educators. They are not just key workers. They are the unsung heroes of our nation who make a massive difference to our children's life chances. I do not think he mentioned how much they are paid, but on average, as he knows, it is only £7.42 an hour, which is dismal compared with how much it costs to live.

I wonder whether the hon. Member will comment on the fact that we need a cultural change in how we value and talk about early years practitioners and educators.

Instead of just referring to the early years sector as childcare, we should also refer to early years educators and talk about early education. I could go on about this for ever.

Steve Brine: It is funny how often, in my almost 12 years in this House, people say, “That is amazing; I was just about to come on to that in my speech”, and funnily enough, I was. The hon. Lady led on this subject when she led the all-party group, and she is absolutely right. Far too often we have seen early years practitioners presented as well-meaning amateurs who are good at changing and plasticine. They are good at those, but they are also educators, so she is absolutely right. Following on from what she said, I think a major contributing factor to the fact that we are losing people from the profession and not attracting them into it is that early years educators have been subject to so many misconceptions about their role that it has affected how their profession is viewed and then how it can attract people.

First and most commonly is the notion that early years educators somehow do not hold the same status as those who work in the subsequent parts of the education profession. That could not be further from the truth. The first few years of early education is the foundation on which lifelong learning, health and wellbeing are built. Handling this phase of a child’s life requires specialist knowledge and specialist approaches from trained, qualified practitioners. Early years educators are highly trained professionals and they hold specialist qualifications accordingly. Despite that, many settings are struggling to pay competitive salaries, and providers have therefore reported that staff are increasingly moving into sectors such as retail.

Munira Wilson (Twickenham) (LD): I congratulate the hon. Gentleman on securing this important debate. I apologise because I cannot stay for the full debate, either. On the point about pay, is it not linked to the fact that so many providers simply cannot cover the cost of their staff and their settings with the amount that they get from the Government for the so-called free hours of childcare—the 15 hours that is universal for three and four-year-olds and the 15 hours additional? We could have a whole debate on whether somebody like me should be entitled to those hours, which is a separate point, but I speak from experience as the mother of a three-year-old who gets only 27 hours of childcare a week, yet I still pay half of what I paid before he turned three. The providers simply cannot make ends meet, and that is why they cannot pay the staff properly and cannot train them well enough.

Steve Brine: The hon. Lady is right. The early years settings that we hear from in the group report that funding for the hours offered under the flagship 30-hours entitlement, which of course I support, has not kept pace with the rise in minimum wage and all the other costs, so the gap between the cost of providing each hour versus what comes in has narrowed and narrowed, and the lines have crossed. That is why we are seeing a squeeze and settings closing. I thank her for that point.

Competitive pay is the least that any qualified professional should expect. I hope the funding announcement in the spending review, as I mentioned, will help to address that. However, the pandemic has added stress for everyone.

It has added to the stress of skilled staff, including with the increased risk of exposure to infection that our early years professionals face. A loss of skilled staff means that the early years sector cannot deliver high-quality early education, which will especially affect the most deprived areas and the most disadvantaged children. I want to stress that point to the Minister; I know that he is acutely aware of it, and I hope he can address it in his closing remarks.

The early years workforce needs a step change in wages. The Government have gone far, but they need to go further. The Minister has my full support to take up our cause inside Government; we will back him all the way. Being a former junior Minister in the Department of Health and Social Care, I know that Under-Secretaries of State do not always have the swing vote on decisions in Her Majesty’s Treasury, which is why the Minister will need all the ballast we can provide. I think that I speak for all of us present in saying that we are there to provide it.

Urgency in addressing this area is underlined by my next point. Most early years places are delivered through private, voluntary or independent childcare settings. Maintained nurseries, such as Lanterns Nursery School in my constituency, play a vital role as well, but PVI providers deliver more than 80% of childcare places. PVI providers have a consistently good reputation across the board; like their maintained counterparts, PVI settings are overseen by Ofsted, which is good. In 2020, Ofsted ranked 96% of PVI providers as good or outstanding—up from 72% in 2012.

Most PVI providers—about 57%—have only one site. Only 9% of PVI providers are what we would call a chain, with 20 or more sites. Most of those settings are hard-working small businesses that employ people exclusively from the local community. They invest any surplus they have into upgrading the nursery environment and, crucially, developing their most important asset—their staff. We are not talking about people lining their pockets with those ever-dwindling surpluses. They are simply seeking to make a fair living while pursuing the brilliant vocation of shaping young lives, which brings me to my next point.

Earlier, hon. Members heard the story of how one parent and their child benefited from the support and inspiration offered by their early years educator, which is a tale that is replicated time and again across the country; I suspect other hon. Members will refer to it. Early years educators provide support, advice and guidance to parents, caregivers and families, including on nutrition, play, schooling and health. They are educators in the widest possible sense of the word. They often form great teams with parents and provide families with valuable insights into their child’s development. We know children form multiple attachments at an early stage, and one of those can be with those working with them in a nursery setting.

Crucially, as policymakers, we all understand the importance of early intervention in making a difference to life chances. For every £1 invested in early education, about £7 would be required to have the same impact in adolescence. Every £1 spent in early years saves about £13 in later interventions.

One parent and NHS worker captured it best when they said that, while

“nurses, doctors and other healthcare staff got most of the accolades,”

[Steve Brine]

and rightly so, early years settings and their workers

“selflessly continued to open to look after keyworker children such as ours, even though it potentially put them at risk so we could continue to work.”

At the end of last year, there were press reports of adjusting staffing ratios in early years settings as part of an aim to lower the cost for parents, which I would gently caution the Minister against. Safe, secure and necessary monitoring in early years settings requires a higher staffing ratio than in schools. Leading voices from across the early years sector, including the Early Years Alliance and the National Day Nurseries Association, have warned against it.

I believe that early years professionals deserve pension contributions and pay increases that can keep in line with increases in the cost of living—a very hot political subject at the moment—which must be delivered through more investment and better recognition of the work of the early years workforce. We are in a position where the Government require early years settings to be open in order to deliver the 30-hour funding entitlement, but, as I have said, there is a shortfall in funding, and that situation can only go on for so long. The result of that shortfall is that many early years settings run at a loss and even face closure, especially those in disadvantaged areas. As a Conservative, I of course want small businesses—I mentioned how many of these early years providers are small businesses—to thrive: indeed, I believe that all Members in the House, from all parties, would want that. As a parent, I want all children to have access to the very best early education, wherever they live.

In the case of PVI early years settings, those two things are not mutually exclusive. Those who pursue a career in early years education do so because, above all else, they believe passionately in making a difference in children’s lives, and that is because early years education is vital in tackling inequalities. We know that the first five years of a child’s life are the most formative. However, when providers in the most deprived areas report themselves as being twice as likely to close as those in more affluent areas, we must acknowledge that something is going seriously wrong in the sector.

The Early Years Alliance has said that poorer families are more likely to lose access to early years settings because of what I have described as a market failure. I am sure that colleagues will speak about other experiences from their own area, but it is important to set the context. If we are to deliver on our promises and level up all parts of the country that have been left behind, the early years workforce is a vital tool in that project.

So what can we do? We can begin squaring the circle here today by supporting the APPG and our call for the early years workforce to take their rightful place as educators. I encourage colleagues to take advantage of the relaxation of covid restrictions to meet local early education providers in their area; I am sure that everybody who is participating in this debate already does so. We can all show our support for the work of those providers by thanking them during this debate.

However, it is to the Minister I look. I have sat in his seat many times. He is most welcome to his post, which I know he is still relatively new in, and I hope that he can find time to come and speak to us on the APPG in

short time. We know that there is a lot in his in-tray, but we also know that he is a parent and no doubt a lot of what I have said today will resonate with him.

Before coming to my conclusion, I just need to qualify one point that I made earlier when I said that this issue is not all about money. I meant that, but so many of the challenges facing early years educators can be addressed by more targeted investment. We must address the workforce challenge that our early years sector faces. In my opinion, that can only be done by paying our early years educators the same amount as those working with the reception year group. The present system is inequitable and unfair. That change would be transformative for our valued early years workers. It is the cornerstone of what the Government can do to deliver for our early years professionals and the families they support.

Extra cash will be meaningless, however, unless it is accompanied by the wider transformation that I have spoken about, regarding how we view the early years workforce. It is a problem best encapsulated by the fact that they are highly skilled but low-paid professionals. We trust them with our most precious resource—our children—in the very early years of their lives, when so much attachment is formed. It is only right that we view them for what they are, which is educators.

2.48 pm

Jim Shannon (Strangford) (DUP): Thank you, Mr Chairman, for calling me to speak.

It is, as always, a pleasure to speak in a Westminster Hall debate, but it is also a pleasure to follow the hon. Member for Winchester (Steve Brine). I will put on the record, as others have, my thanks to him for all he does in relation to early years education. There is absolutely no doubt in my mind—I suspect that there is no doubt in the minds of any of us here today—that he has a deep passion and interest in this subject matter. That was illustrated in his speech today. He often raises crucial issues that impact our early years educators and I value—to be fair, I think we all value—his continued efforts in that regard.

I appreciate that, as the Minister will know, the early years system in England is different to that in Northern Ireland. Regardless, it is great to be here in Westminster Hall and to hear the view of others, and perhaps I can compare some of the things that happen here with what happens back home.

Particularly during the pandemic, our early years educators have had to deal with an unprecedented number of stresses, staffing being one of them; the hon. Gentleman referred to that in his contribution, as others did in their interventions on him. In a survey conducted by the Early Years Alliance in the autumn of 2021, 84% of respondents said that they were finding it difficult to recruit suitable new staff. No big surprise there, really; it is the same in Northern Ireland. Early Years has stated that

“Before Covid-19, Northern Ireland’s childcare sector worked hard but was under-resourced. Now it faces huge challenges, and shortages could hamstring our economic and social recovery from coronavirus.”

Thankfully, there is some hope and we in Northern Ireland have taken some action, including financially. The Health and Education Ministers have issued a £12 million support package for childcare providers.

The two Ministers responsible in Northern Ireland have recognised the issue and responded in a constructive and physical way, to ensure that finances are there.

There were long-term issues prior to the pandemic, including the retention of staff, especially those who are highly qualified. The hon. Member for Hampstead and Kilburn (Tulip Siddiq) referred to the wage structure, as did the hon. Member for Winchester. There is a need to have a wage structure in place, so that people involved in early years education can feel they are being reimbursed accordingly for all their hard efforts.

There are also ongoing issues relating to provision for special educational needs. SEN children rely heavily on routine and consistency; without it they risk a major hindrance in their development. I have regular contact on that in my constituency; I am sure others have the same. The role of early years is crucial for young children's development. Positive benefits are dependent on several factors, including the quality of care, the nature of activities, relationships that children develop in their settings, group size, child-to-teacher ratios, staff retention, and teachers' training and professional development. All those things collectively are critically important.

Munira Wilson: Does the hon. Gentleman agree that it is concerning that a report by the Education Policy Institute found that more than 40% of staff working in early years settings did not have access to training for speech and language? That is a growing area of concern, particularly as a result of the pandemic, and exacerbates the attainment gap for those from disadvantaged backgrounds. I am sure the Minister will say that the Government are putting money into early years training but, when that is worked out, it is about £460 per head of those working in the sector, and it will not cover the amount of need if we want to professionalise the workforce.

Jim Shannon: The Minister heard that request from the hon. Lady. I know the Minister is very interested in the subject and, when it comes to answering the requests from the hon. Lady, others and myself, he will be able to say what the Government are doing, with time to put that in place.

Most early years settings are private, run through unions and independent organisations. It is essential that they are given sustainable funding to carry out their role to the best of their ability. I am sure the Minister has engaged, as he always does, with his counterparts in the devolved nations, to ensure that the correct funding is going to the correct sectors of early years. When the Minister has responded in previous debates, I have always been very impressed by his interaction with the Northern Ireland Assembly. The Minister has been very up to speed on the matter. I am sure when he replies he will be able to confirm again that that is the case. I thank him in advance for his answer, ever conscious that it will be positive.

In relation to back home specifically, there are 1,200 local early care and education providers, 30,000 parents and a workforce of more than 10,000. The past year has demonstrated how essential high-quality education and childcare provision is for families and children in Northern Ireland, and that has been echoed in this debate today. Addressing childcare must be a key priority. If parents cannot access the childcare they need in order to work,

we will not be able to rebuild fully our economy. The Minister responsible for that task is not here, but the work of Government to address and rejuvenate the economy is self-evident in the unemployment rates and job opportunities that we have heard about in the past few days. There is some good stuff being done there.

All discussion in relation to childcare and education starts with early years, and the importance of early learning for young children. Childcare settings have closed due to the pandemic and other factors, which may be purely financial, but Ofsted data show that there has been an ongoing decline in the number of childcare settings since 2015, due to the lack of childminders. From August 2015 to 2021, the decline levelled at 17%.

I will conclude with this comment, because I know a number of others wish to speak, and the Minister will be keen to have time to respond. I also look forward to the contribution from the shadow Minister, the hon. Member for Dulwich and West Norwood (Helen Hayes). I would like to thank each and every early years employer who goes above and beyond to help the development of our young people. I have met some of them, and I am greatly impressed by them and their vocational commitment to their jobs. Their role in society is admirable, but they undoubtedly face struggles, especially with staffing, with closures and sometimes with their wage structure, so we must do more. As I have said, I hope that further discussions between the Minister and his counterparts across the UK will enable us to exchange ideas and thoughts on how we can do better. We can all learn; we can learn from the Minister and, I hope, the Minister can learn from us.

2.55 pm

Cherilyn Mackrory (Truro and Falmouth) (Con): It is a pleasure to serve under your chairmanship, Mr Gray. I congratulate my hon. Friend the Member for Winchester (Steve Brine) on securing the debate during Childcare and Early Education Week. Like him, I pass on my thanks to all nursery and early years workers, who have done such a fantastic job over the last two difficult years, particularly those working in Cornwall.

A child's early education is key to their future success, so it is essential that every child has the best start in life, which means giving them the best possible support between the ages of nought and five. That is a critical stage in someone's life, and it is essential that the early years programme is properly effective. That is why the issues in the sector need to be urgently addressed. Statistics show that 28% of four and five-year-olds finish their reception year at school without the early communication, language and literacy skills that they need to thrive.

Early years educators are crucial. It is harder to produce a curriculum in which children learn and get to the stage that they need for reception year while they think they are only playing—that takes quite a skillset. The quality of teaching is just as important to outcomes in the early years as it is in other stages of education. Quality is key for pre-schools to have the biggest impact on children's life chances. In my opinion, early years educators should enjoy the same status as those in other teaching roles: they should be included in the same teacher training schemes and have the same bursaries and salaries as in primary teaching.

[Cherilyn Mackrory]

I come at the subject as someone who took full advantage of the Government's 30 hours scheme. In 2015, when my daughter was nine months old, I had to go back to work part-time. I got to work for my hon. Friend the Member for North Cornwall (Scott Mann), who is a very flexible employer, but not everyone is as lucky as me. Having said that, even though I was working part-time, I had help from grandparents until my daughter was old enough for me to take advantage of the Government's scheme. I was very grateful for all that help.

Now that I have become an MP, I find myself on the other side of the fence, hearing from early years providers how difficult it is to work in that sector. There are problems in recruitment and retention. Nurseries in my constituency are struggling to retain well-qualified staff, while recent research found that many early years practitioners have left for better-paid jobs. In Cornwall, people probably earn more in hospitality than in an early years setting.

Many people in the sector are pushed out of the job that they love because of a combination of low pay, low status and increasing workload. Some workers in the profession said that the challenges of supporting their own families on the salary of a childcare worker were too great and that staying in the sector was no longer a career option.

Furthermore, the early years sector is reliant on a largely female workforce. At a time when families are generally reliant on two incomes, with greater pressure on single parents always to be in work, I am sorry to say that working in the early years sector is increasingly unviable. There is evidence of increasing paperwork and demands from parents and employers, so it is of little surprise that the workforce is such an unstable one.

Compared with some Scandinavian countries, where jobs working with babies are highly sought after and most staff are graduates with higher degrees in child psychology, qualification levels for nursery workers in the UK remain low, and access to ongoing training is very limited. Investment in training is important because replacing staff is costly in both money and time. In an industry where word of mouth matters, good staff are key to occupancy. Providers should explain to staff why training is good for them, but when will they find the time to do it?

Pay is also important. It may not necessarily be possible for employers to pay for all study time, but if people are forced to work outside work hours, they will be overworked and burnt out, and they may choose to take their expertise elsewhere. That is not good when teaching children.

With my other hat on as a member of the APPG on baby loss, one of the things I am campaigning for is continuity of care for pregnant women, which I feel should go on into the early years sector. It is important to have a stable workforce while the children are developing attachments, knowing that they are going to see the same person every time they go to that setting.

As mentioned previously, staff feel a lack of status in their roles. Pay is very difficult in the sector, but being open about it offers the opportunity to explain why things are the way they are. Providers need to show staff that they are in line with market rates and what staff

can do to get increased wages; clear structures and career paths give early educators better prospects and make the sector more attractive to school leavers. I look forward to hearing from the Minister how the Government seek to address this.

More positively, I should add that I sit on the Early Years Taskforce with my right hon. Friend the Member for South Northamptonshire (Dame Andrea Leadsom). I have had feedback from Cornwall Council and met with providers and the children and families sector in the council. We were both pleased to hear that Cornwall is already doing a lot for what we want to achieve in the sector.

I would particularly like to pay tribute to Meredith Teasdale and the excellent Together for Families team at Cornwall Council. Cornwall Council has a strong partnership with two things of particular note. It gave welcome support and advice to its early years providers during the lockdown, which was pleasing to hear, and the support has also seen an increase in the take-up of early years education places for Cornwall's two-year-olds.

Cornwall has also maintained a network of family hubs in difficult times, which supports multidisciplinary working to support families, introducing the Best Start for Life apprentices, who provide direct support to families that need it for the first 1,001 days of a child's life. Those are both excellent examples of where we can continue to innovate in this important area. With that in mind, I am hopeful of and want to put out another call for any pilot schemes or funding schemes that are going to be running in the early years sectors; Cornwall, with its clean boundaries and co-operative team of MPs, councillors and brilliant council officers, will always put itself forward for them.

3.2 pm

David Simmonds (Ruislip, Northwood and Pinner) (Con): It is a pleasure to serve under your chairmanship, Mr Gray. I would like to add my congratulations to my hon. Friend the Member for Winchester (Steve Brine) for securing today's debate.

We know from all the research that attention from adults is a crucial factor in the earliest part of a child's life. That fact has a long history in public policy, dating in the modern era back to the Plowden Report of 1967 and reflected in decisions taken by Governments ever since, in respect of both primary education and the provision of initiatives such as the neighbourhood nurseries, children's centres, early years centres, and now family hubs.

It seems to be a point that underpins the issue highlighted by my hon. Friend the Member for Winchester in respect of ratios: the need to ensure that we have sufficient adults in any particular setting to have an effective relationship and to give sufficient attention to the children. However, it is also incredibly important as we consider the future role and shape of our early years education. As has been highlighted today, we see a mixed economy of provision in which there are examples of outstandingly good practice that make a fundamental, evidence-based difference to the lives of children.

The nursery schools we see around the country and the excellent childminders, many of whom I see in my own constituency of Ruislip, Northwood and Pinner, are part of a bigger picture, where research done in the world of academia drawing on the experience of other countries—the United States, for example—in developing

new initiatives designed specifically to tackle disadvantage and drive social mobility has been applied here, in the UK. I would like to focus my contribution primarily on the considerations that that brings forward for public policy as we begin to shape it for the coming years.

When we consider the shape of the system we have today, we see that our earliest educators are operating in a system of funding that is very much dominated by the needs and demands of our big secondary schools. It is a common piece of feedback from early years practitioners and those who own early years businesses—those who lead in this area—that the allocation of resources to early year settings in any given area tends to be an afterthought. It comes after the distribution of funding: first, to secondary schools; secondly, to primary schools; thirdly, to further education settings; and, finally, early years settings are thought of just before the tea break. We need to change that. Research that has come from the What Works Network, funded by the Department for Education and done over many years, shows that the funding that we allocate to the early years of a child's life has the biggest impact on social mobility and in challenging disadvantage. It is very telling that Leon Feinstein, formerly head of evidence at the Early Intervention Foundation, where I served as a trustee, now with the Children's Commissioner, has highlighted that the indicators from the early years foundation stage outcomes for children are extremely good predictors of how a child will do in their A-levels. We can tell pretty accurately from how a child is developing academically in their nursery school how they will do in their A-levels as they leave school at 18. We know there is very good evidence of the difference that it makes when we get this right.

In the past we have seen the Government beginning to look at not just the professionalisation of early years educators but the greater professionalisation of the workforce as a whole, for example, with the Children's Workforce Development Council. A number of Members have referred to early years education becoming more of a graduate profession. We have seen, in respect of the teaching profession, consistency brought in to ensure that teachers are educated to master's degree level, as a minimum. That is all part of an agenda that is about raising the attainment level of the people who are undertaking this crucial work. Clearly, the cross-party points that have been made about funding and what that means for rates of pay are also significant.

It seems to me that, as we survey the scene within the context of Government levelling-up policy, investment in doing the right things in the early years educator workforce is something that will pay dividends. It is unlikely, perhaps, to pay dividends in the short term—in two or three years—but we can see the contribution that this will make, especially to economic opportunity, in parts of our country that currently fall behind.

We have an opportunity to build on some real strengths within this overall workforce. One of the striking things is that in most parts of the country there is a significant local authority-run early years service. I am aware that in the London borough of Hillingdon, which covers about two thirds of my constituency, it is conspicuous that staff who work in that environment tend to be people who have 30 or 40 years' experience and the highest levels of training and development. We need to make sure that, where we have access to that kind of

resource, the benefits are spread so that those smaller, private voluntary providers—new entrants to the market—can learn from people who have been providing child care to a very high standard for 30 or 40 years. These are the people who have seen different trends come in and out and who know how to support parents who may be struggling with the challenges of bringing up extremely young children. It is an opportunity to connect what happens in the early years education workforce with our family hubs, our children's centres, our nursery schools and into primary education and childminding. It would mean the skills and insights that we see in some settings are able to be shared effectively.

It is worth recognising that as we face this future we know—there is a cross-party acknowledgment—that this is not just about freeing parents to be more economically active. We have gone through periods in the past when the primary purpose of Government intervention in this area was intended, in particular, to make it possible for mums to return to work or to increase their working hours. That is important; we know that the mother's level of both education and income is very important to a child's life chances—to a greater degree than is the case with fathers. We also know that all this research demonstrates that the quality of early education really can drive a child's opportunity later on.

As we see more Government interventions, such as the growth of tax-free childcare—something that I personally benefit from, having two young children—there is a need to ensure that ratios continue to support a high-quality offer. There is also a need to ensure that childcare is not something that arises as a consideration in a parent's life only once the child is born and they need to think about going back to work. As my hon. Friend the Member for Truro and Falmouth (Cherilyn Mackrory) said, it should instead be something that is considered during antenatal care. That way, parents will know what to expect and how to make sure they are getting the right support for their child. All those things are incredibly important.

If I may offer a final suggestion to the Minister as a way of beginning to join some of these ideas up, we know that all local authorities have a sufficiency duty around childcare, which was introduced by the last Labour Government. That duty is often misunderstood. It is not about ensuring a sufficient supply; it is about having a plan to reflect the needs of the local population. How that happens varies quite a lot around the country, according to local demographics and local resources. However, there is an opportunity to use that sufficiency duty as a vehicle to bring together so many of these issues that affect not just the workforce but the future of children. We should consider how it can become more of a driver to share good practice and ways of addressing some of the financial challenges that individual settings of different kinds may face. It can be used to ensure that the research funded by the Department for Education and the research taking place in universities is brought together in a way that supports the agenda that we all share.

I hope that my contribution has been useful, and in particular that it has highlighted my experience in a local authority. I will finish by welcoming the continued focus that my hon. Friend the Member for Winchester brings to this issue. Often, the Government are rightly accused of thinking only about things that will make a

[David Simmonds]

difference in the next two or three years, but if we get early years right, it will make a difference to the lives of children and to their future as adults for decades ahead.

3.11 pm

Andrew Lewer (Northampton South) (Con): I thank my hon. Friend the Member for Winchester (Steve Brine) for securing this important debate. Sensible contributions have already been made about the need for investment in the early years workforce, the development and retention of staff, and the impact of early years education, especially for the most disadvantaged children in our constituencies—an issue in which I have held a long-term interest since my local government days and via my mother, Mrs Sandra Lewer, who was a nursery nurse and infant teacher.

The many challenges facing early learning providers have been exacerbated by the pandemic but also, importantly, by changes in funding from central Government and local authorities and the impact that they could have on post-covid recovery. That is what I will focus my contribution on.

Last week, I met Lyndsey Barnett, the CEO of Camrose early years centre, which is based in one of the most deprived areas in my constituency of Northampton South. The centre is a maintained nursery school and day care provider. It offers a fantastic quality of service from 8 am to 6 pm, including during school holidays. That is hugely important, because it means that working parents can drop their children off before work and collect them after the working day. Camrose is a benchmark for the excellent service that can be provided across my constituency and beyond to families from low-income areas who want to do all they can to work, and it is therefore crucial to the economy's post-covid recovery. With the proposed restructuring of funding from the local authority as a result of central Government funding changes, the centre may have to cut back the services it offers.

That centre already faces many challenges in looking after vulnerable children, but it goes well beyond the remit of just a day care provider, not only supporting and educating young children—I reflect on the comments with which my hon. Friend the Member for Winchester set the scene for the debate—but offering support to their families. It is that complete child approach, acknowledging the crucial nature of the first 1,001 days—a frequent and key concern of my constituency neighbour, my right hon. Friend the Member for South Northamptonshire (Dame Andrea Leadsom)—that makes recent Government announcements about family hubs so welcome. As a county council leader from 2009 to 2013, I must say that this renewed focus seems very like the children's centre network that I promoted at that time, although I understand that Ministers will wish to stress that this time, it is different.

As Confucius said:

“By three methods we may learn wisdom: first, by reflection, which is noblest; second, by imitation, which is easiest; and third by experience, which is the bitterest.”

3.14 pm

Ben Bradley (Mansfield) (Con): I apologise, Mr Gray, for appearing a couple of minutes late; I sprinted across

the courtyard to try to get here to speak in this important debate. I am grateful to my hon. Friend the Member for Winchester (Steve Brine) for bringing it forward.

Early years education is vital to the development of our children—our future adults—and to our levelling-up agenda. Education and early years are key when we talk about what that means, what we are going to do, and how we tie together a coherent package around the phrase “levelling up”. Education is absolutely at the heart of that.

Just a week or so ago, I was lucky enough to visit Kangaroo Teacher Led Childcare in my constituency, where I met Alison, the owner and manager of the centre. She was adamant—my hon. Friend made this argument too—about the importance of the education element of early years settings. They do not just provide childcare—particularly not her setting, as she is a qualified teacher and a former deputy head of a primary school.

Alison explained how important her setting and others are to everything we understand about development in those preschool years—everything from nutrition to brain development, and the social, language and communication skills that are important. Even in that setting, I could see the difference between those children who had had many hours of early years education throughout their childhood and those who had not been socialising in the same way in their early years. The difference in speech and communication between those children was profound. We know that there is a huge correlation between children's communication skills, in particular—their ability to express themselves and how they feel about things—and negative outcomes such as being expelled, being unemployed or even going to prison in later life, so this is hugely important from that perspective.

As someone who believes in small government and low taxes, I have always felt that if there is one area of life or society that the Government absolutely should invest and intervene in, it is education, because that is what sets people up to be independent adults who can make their own decisions in later life, and who hopefully will not need the Government to intervene.

From that perspective, I welcomed the Chancellor's Budget last year, which put more money into the sector, with funding for workforce development in particular. We have already touched on how important that is for the sector. All of us in the room, who run what are effectively very small businesses, will recognise the challenge of having a very shallow structure where the most junior person in the office might only be one or two layers below us. There are very few places for people to go in that hierarchy, and often, after not many years, it is difficult to continue to progress and develop people, so they leave. We often find that in early years settings.

To retain staff, we need to help them and continue to develop and train them throughout their careers; those careers will be short if we do not do that. I would love to see a joined-up workforce strategy across early years, as was mentioned earlier, but also into other education and care pathways, such as primary schools and children's services. People could then start—yes, perhaps on low wages—in an early years setting, but clearly see and understand the many varied, positive routes to all sorts of different careers. I think we need to do the same for social care and health; if people starting as care workers could see the massive range of opportunities

that exist within the NHS, that would change our ability to recruit and retain people in social care. That is hugely important.

There was also £500 million in the Budget for family hubs and the Start4Life advice service. All that will be beneficial to our wider set of children's services, and to those interventions in support of the most disadvantaged children.

My hon. Friend the Member for Winchester used the phrase "market failure" to describe early years. I hear that phrase a lot around children's services and early years settings. I think it has also been used by Josh MacAlister when talking about the wider children's services sector—about foster care and looked-after children. All these areas are hugely important to our ability to support the most disadvantaged kids and to churn out—for want of a better phrase—adults who can live productive and happy lives. I know that my hon. Friend the Minister feels strongly about this, too. There is so much to grasp, and trying to fix the market failure will be a huge challenge, but it is such an important challenge for him to focus on.

I will make two practical suggestions before concluding. They are only simple, and they are perhaps not the answer to all these problems, which will take much wider and more challenging work. First, a couple of Members have already touched on the fact that they access free childcare. I access free childcare—30 hours—for both my children. I waited with bated breath for the day when my bills would be halved, when my elder son turned three, and we took advantage of that great benefit. We did not need it; I was on an MP's wage and my wife worked part time. People on up to £100,000 a year can access that taxpayer-funded benefit. I am all for extending the benefits system—the universal credit system—into the workplace slightly if that helps to encourage people to be in work rather than getting trapped on benefits, but a hundred grand a year is kind of pushing it. I am not sure that that is entirely necessary. I think we could redistribute that money in a way that helps more of the most disadvantaged children, where we see a particularly acute issue. I think that more children accessing free childcare would get much more bang for the buck.

Secondly, one way to use that might be to offer the early years experience to more looked-after children. I raised this with the Minister informally last week. It is really important to recognise that not every child in the care system, even, is able to access early years education in the same way or in the same amount. A child in foster care does not have the same right to 30 hours as other children in the care system do. There is no reason why they should not, other than an arbitrary line that has been drawn in the sand. For those children who have either lost parents or been taken away from their parents and had very traumatic experiences in their early lives, consistency and support from an early years provider could be hugely beneficial. It could be life-changing for those children. There is no reason why a child should not be able to get that if they are living with their nan or auntie rather than in children's residential care. We could make a very simple change there, and I think it would also help us to incentivise people to begin to be foster carers or to take on their nieces and nephews in those circumstances. I think that would happen if there were the offer of a bit of respite and some incentive for people to join and help in those services.

Those are some small examples of areas where I think we could make an early change that would benefit a lot of young people. As many Members have said, this is a hugely important sector, and the Minister has a huge task on his hands to try to fix just some of it, but I know that he feels very strongly about it, as we all do. There is a real opportunity, through the MacAlister review and these kinds of conversations about early years and additional changes in funding, to make a real difference to the most disadvantaged children. That needs to be at the heart of our levelling-up agenda, and I trust that it will be when we see the work from the Government on this over the next months and years.

3.23 pm

Siobhan Baillie (Stroud) (Con): I thank my hon. Friend the Member for Winchester (Steve Brine) for initiating this debate today. To be debating this issue in Childcare and Early Education Week is really important, but it is even more important that every single person in the House is constantly celebrating the role of early years providers and the workforce, and recognising them as educators. My hon. Friend is absolutely right: we could not do without these people.

My husband and I work full time. We work incredibly long hours. It is definitely not a nine-to-five existence, and I need a real muddle of support to get me out of the house dressed, on time and able to string sentences together, which I probably will not be able to do brilliantly today. The childcare costs and pressures on families around the country are acute. I urge hon. Members to have a look at Instagram and to google the hashtags #parenting, #children and #childcare. Some of the statistics and information that come out are quite worrying. People are incredibly stretched.

I have said this before, but the juggle is real. It does not matter what someone does as a job or if they are not working at all; if mums and dads have little people running around with seemingly infinite energy each day, that means that every day is stretched even before they find out that their early years provider, nursery or childcare person cannot be helpful that day because they are stuck at home in isolation—they are perfectly well, but they have had a positive covid test—or that the nursery has had to close down because it just cannot make the numbers work on the business case. Military planning goes into all my friends' days to get children to the right place at the right time. Families just cannot cope with these sudden shocks. It is for us in this place to try to find ways of smoothing out those shocks, or at least lessening their impact.

If anyone has the chance, I encourage them to listen to the podcast "Parenting Hell" by the comedians and dads Josh Widdicombe—I can't say his name; they get kids to try to say "Josh Widdicombe", and they say it better than I can—and Rob Beckett. It is a brilliant look at an entertaining version of all the chaos that comes from real-life parenting. It is a nice bit of my week to know that I am part of a big club that is very dysfunctional.

We know that the transition to parenthood is one of the greatest pressures on a relationship or a marriage, so we have to do better at stopping these sudden shocks and problems. The system is quite literally causing family breakdowns, and we know the impact of family breakdowns on the country, on relationships, on families and on finances.

[Siobhan Baillie]

As we heard from a number of Members, the Prime Minister and the Chancellor of the Exchequer are incredibly committed to this issue. They have recognised the early years workforce and are very respectful of them. The new Secretary of State for Education, upon being appointed, included the word “families” in his strapline and mission statement, alongside “education” and “skills”. That shows a real commitment to the cause. All that has led to the Treasury quadrupling the money going into early years education, and millions of pounds to support family hubs, which will be transformational in our local areas where we can get them off the ground. The “Best Start for Life” programme is transformational and will provide a focus for families and our little people. However, we have to go further.

Let me make a couple of points that have already been touched on. In 2019, the staff turnover rate in the early years workforce—I am thinking only about nursery staff at the moment, excluding childminders—was 24%, compared with the UK average of 15% to 18% in other sectors. The cost of that turnover in 2019 alone was calculated as £879 million.

The Social Mobility Commission, in its report “The stability of the early years workforce in England”, found that the six most salient barriers to a stable early years workforce were low income; high workload and responsibilities; over-reliance on female practitioners; insufficient training and opportunities for progression; low status and reputation, and negative organisational culture. That is a pretty stark list. This is a workforce who feel they have low status, and they are the people we trust with our most precious charges—we send our little people into their care. They are people who are incredibly skilled and have solid qualifications—it is often a vocational passion to work in the profession—and they have reserves of patience that I certainly do not have when I am trying to feed my toddler vegetables, which she will not eat.

The other point is about the low public funding in comparison with other levels of education. The public subsidy for early years is about £3,000 per pupil, compared with £5,000 in primary, £6,600 in secondary and £6,500 for university students. That is incredibly frustrating given that it is now accepted that the first 1,001 days of a child’s life are the most important. We have heard that early intervention can change not only the life of the child and their family early on, but the path of their life; it will probably change the type of state services that the child—and then the adult—uses. Why are we not investing more up front and upstream?

I want to thank the early years providers in Stroud and around the country. They are levelling up on a daily basis. They were levelling up even before it was a thing with a title. There is a small but perfectly formed gang of MPs and peers, and a very dedicated ministerial team, who really believe in the early years workforce and the value that they all bring to future generations. I am working with the think-tank Onward to investigate and research many of the childcare issues, including costs, that we have heard about today. I also sit on the Work and Pensions Committee. The Chair and the Committee have kindly agreed to investigate the childcare element of universal credit, with the cap and the up-front

payments. We will be doing work on that this year, and I hope it will be helpful to the ministerial team who are thinking about this.

I am grateful for this debate. I am sure that all of us could talk about this subject all day long. I look forward to hearing the outcome and the views of the Minister.

3.30 pm

James Daly (Bury North) (Con): It is a pleasure to serve under your chairmanship, Mr Gray, and to follow all my hon. Friends. As one of the final speakers, I could simply say that I agree with everything that has been said and then sit down, but I will try a little harder than that. There have been excellent contributions, all of them articulate and passionate, because we all know the importance of the sector.

I should start by saying that I am the chair of—I have to check this because it has a long title—the APPG on nursery schools, nursery and reception classes, which essentially covers the grant-maintained sector. I am passionate about that, as was somebody else, and I wish he were here today. I spent many hours with the late and much-missed Member for Birmingham, Erdington, who was a passionate vice-chairman of the APPG for many years before I became chair. I will always be grateful for the insights that he gave me. We were both driven by the same thing.

When looking at this sector, we have to ask whether we just talk about money or whether we say, “Let us put a little bit here and a little bit there.” This debate is fundamental to why we are all MPs. If we are MPs or politicians because we want to get the fabled equality of opportunity for everyone, we must recognise that unless we get this right, there is no equality of opportunity. All the academic evidence in the world shows that the most important developmental stage for a child is, as has been stated, between zero and five. If they are behind academically and socially during that period, they do not catch up.

I am also chair of the APPG on youth employment. We do a lot of work on training and skills at age 16 and the choices that young people make at that stage. My hon. Friend the Member for Winchester (Steve Brine) talked about the impact of skilled workers. I talk repeatedly about how that decides—it cannot be any stronger than that—their ability to make the correct choice as to where they want to go with their career, what skills they want to have and where they want to be in their life.

I see that time is ticking on, Mr Gray, but I want to talk about my own experiences, if I may. I have been a governor at Hoyle Nursery School in Bury for the best part of 10 years. When I went there, we had a budget of about £500,000. There is a fundamental difficulty because the business model for the grant-maintained sector is very different from the business model in the private, voluntary and independent sectors. We certainly do not have time for a debate on how to equalise that, but it is an important factor.

We had no money. I remember that on the first day I went to the school, I looked around and I said, “Where is the investment? I know a lot of investment has gone into this school over the years. Under the Labour Government, lots of money was put into nursery schools.” The headteacher said to me, “Nothing has really changed. If you had been here five, six or seven years ago, you would probably have seen the same thing.” What we did

do was put the money into training highly motivated staff to get the outcomes that were necessary for the young people who were there.

There were some challenges. We were a failing school when I first went there and we changed a few things. I became chair of governors, and in four years we got two outstanding Ofsted reports. In that school, 17 different languages are spoken.

One thing that has not been talked about today is the impact of intensive work at a nursery level on children with special educational needs. The SEN unit in the school that I am a governor of, and have been for a decade, literally changes lives. I want to pay tribute to the late, great Val Kay. Sadly, she passed away, but I worked with her for many years. Rachel O'Neil, who is the headteacher now, is driving forward a facility that does not differentiate between kids. It has an all-inclusive, progressive provision that gives SEN children the same ability to progress as it does children from any other background.

We have many children who have English as a second language and many children from dysfunctional families. The challenges are overcome. I do not have time to put into words the work, skill and love that are put into those children to ensure that when they leave that school, they have the best chance not only to progress emotionally, academically and socially, but to go on to the next stage of their education and take that further. I believe that in the sector I am talking about, the Government provided three years of supplementary funding, which was much to be welcomed.

I will make a few brief points to the Minister. He will know, because he is not only a good man but very much on top of his brief, that in the grant-maintained sector the costs of covid are mounting. There is also an argument for a consultation, or at least an interaction, regarding fair funding for the grant-maintained sector, so that funding is in the places where it is most needed, where this provision can make a difference. What does this sector do? It transforms lives, not just for the next five minutes, but throughout life. It improves relationships and gives people opportunity.

Returning to the start of my speech, when I went into that school, I looked at the young kids around that table and wondered what I wanted for them, if I were to be chair of governors. If I wanted them to have the chance to be astronauts, bus drivers, doctors or whatever they wanted to be, the only way to do that would be with investment and highly motivated, skilled educators who would put that provision in place.

As ever in this place, we talk a lot in general about putting in money, but unless there are bespoke leaders at a local level, it will not work. We are lucky in my area that we have fantastic teachers; I am sure that is so in Cornwall and everywhere else. This has been a brilliant debate and I thank my hon. Friend the Member for Winchester. To call him a doughty campaigner does not do him justice. I was pleased to be under his wing at the meeting with the Chancellor. I know that the Minister will do what he can to ensure that this sector thrives and flourishes.

3.37 pm

Helen Hayes (Dulwich and West Norwood) (Lab): It is a pleasure to see you in the Chair, Mr Gray. I congratulate the hon. Member for Winchester (Steve

Brine) on securing this important debate to mark Childcare and Early Education Week, and on his work with the APPG on childcare and early education to establish and promote this important week to acknowledge, celebrate and reflect on the vital role of the early years sector.

I pay tribute to everyone who works in early years education and childcare. There are few more important tasks than ensuring that every child has the best possible start in life. We owe a huge debt of gratitude to everyone who dedicates their working time to looking after and supporting very young children to grow, develop and thrive, whether as childminders or in nursery settings. It is a vocation to work with children. Across the country, as we speak, hundreds of thousands of early years professionals, the vast majority of them women, are nurturing and caring for children, and supporting them to develop and grow.

The theme for this year's Childcare and Early Education Week is, "We are educators". Under-fives learn in different ways from older children, but they are learning voraciously every single day. The best early years provision is underpinned by an understanding of child development and a richness of curriculum, every bit as complex as that found in our formal school system. Early years educators have the capacity to have a dramatic and lifelong impact on a child's life, protecting against the effects of poverty and disadvantage, and reducing inequality. They can literally alter the foundations. "We are educators" is an important statement of fact, but it is also a challenge, particularly to the Government, to give early years professionals the status they deserve as a vital part of our education system that has parity with post-five provision.

I thank all hon. Members who have spoken this afternoon. We are in danger of an outbreak of consensus on the importance of improvements in the status and pay of early years professionals, of staffing ratios and of good SEND provision and support for kinship carers. I would like to pay tribute in her absence to my hon. Friend the Member for Hampstead and Kilburn (Tulip Siddiq), who was my predecessor in this role and who for six years tirelessly showed her dedication to the early years sector. I join the hon. Member for Bury North (James Daly) in paying tribute to Jack Dromey, who was a dedicated champion of early years education and who I know is very much missed by Members from all parties in the House.

Today, we are celebrating the early years and childcare sector, but the speeches we have heard are in stark contrast to the woeful neglect of the sector that we have seen during the past two years of the coronavirus pandemic. Time after time, early years provision has been an afterthought for this Government, considered and treated differently from the rest of the education system, and too often early years providers are left to fend for themselves.

Stephanie Peacock (Barnsley East) (Lab): I congratulate my hon. Friend on her powerful speech. Does she agree that the situation she just described is reflected in the Government's decision to cut over 1,300 Sure Start centres in the last decade? In one year alone in Barnsley, nine were shut and we have a quarter of our kids growing up in poverty. Although family hubs are welcome, does she share my disappointment that we could have prevented there being a need for them by not shutting Sure Start centres in the first place?

Helen Hayes: I agree entirely with my hon. Friend. We had that infrastructure in Sure Start centres across the country, but 1,000 of them have closed, which is a shameful part of this Government's record. Although it is welcome that they have recognised that terrible mistake with the introduction of family hubs, 150 family hubs across the country are no substitute for the 1,000 Sure Start centres that have closed their doors for good.

Early years settings have been open to all children since July 2020, without access to lateral flow tests or to additional funds for enhanced cleaning or personal protective equipment, despite the obvious inability of staff working with very small children to socially distance. Staff have been left vulnerable to infection and anxious about their own health and that of their families. I have been contacted by many providers in recent weeks who are struggling to stay open because of exceptionally high levels of sickness absence, as omicron has whipped through early years settings. With that coming on top of two years of stress and uncertainty, many who work in early years settings are exhausted and burnt out, and they are quite simply bewildered that the Government have not had their back.

Even before the pandemic, there were deep structural problems in the early years sector. The way in which the Government's 30-hour entitlement is implemented does not work for providers and it certainly does not work for parents. A freedom of information request by the Early Years Alliance revealed that the cost of "fully funding" the entitlement would reach £7.49 an hour by 2020-21. Knowing that, the Government contribute average hourly funding of just £4.89 for a place for a three or four-year-old. Is it any wonder that the cost of childcare for working parents is spiralling up and up, while thousands of providers have closed and child-adult ratios are increasing in many settings?

The UK is among the most expensive places in the OECD for childcare, despite spending more than £4 billion of public money on it a year. The cost of childcare is a huge pressure on household finances at the best of times, but in the context of the current cost of living crisis, the pressure is unbearable for many families. High costs also deepen disadvantage, creating a system in which wealthier families can afford the highest quality provision, while families on lower incomes all too often have to settle for less.

As we begin to emerge from the pandemic, dealing with the devastating impact that it has had on our children should be a top priority for the Government. The youngest children are suffering the consequences of lockdown in their speech and language development, gross motor skills and social skills, and they have been denied many vital, indeed formative, experiences. In contrast to our Prime Minister, most of our youngest children will not have had a birthday party in the past two years—a contrast that shames him.

As a result of all that has been sacrificed, primary schools are reporting higher numbers of children who are not school-ready when they arrive in reception, and the impacts are worst for the poorest children. There is a gaping disadvantage gap that must be addressed urgently.

However, while the Government are mired in defending an indefensible Prime Minister, they have no vision or plan for the early years sector. There was no plan to support the sector through the pandemic; providers felt, in the words of the Early Years Alliance, as if they were

"the forgotten sector". There is no plan to support families with young children who are struggling with exorbitant childcare costs and who now also face a biting cost of living crisis. Most importantly, there is no plan for children, to provide the additional input that the youngest children need to catch up on all that they have lost during the pandemic.

Labour fully recognise the vital role of early years educators, who deserve recognition, gratitude and support, as well as a plan from this Government. I pay tribute to them today and I hope that this afternoon the Minister will provide the plan that is so desperately needed.

3.44 pm

The Parliamentary Under-Secretary of State for Education (Will Quince): It is a pleasure to serve under your chairmanship, Mr Gray.

I congratulate my hon. Friend the Member for Winchester (Steve Brine) on securing this important debate, which comes during the APPG's Childcare and Early Education Week. I know—I can get the sense from Westminster Hall today—how passionately all Members care about this issue. Given the importance of this sector, I welcome the awareness of it that this week will rightly bring. I am very keen to meet the APPG; I am sorry that we could not make that happen today, due to pre-existing commitments. Nevertheless, I am very keen to meet the members of the APPG and to work with them in the future.

I thank all hon. Members for their contributions to the debate, which have been constructive and thoughtful, and for the points they have made. I will endeavour to respond to as many as I can during the course of my response, conscious that we will have a Division in about 10 or 15 minutes.

I put on the record my and the Government's sincere thanks and appreciation for the hard work, dedication and compassion that early years educators show every day. Despite the turbulence over the course of the pandemic, they have continued to keep our children safe and learning.

The early years experience is a vital part of a child's education, as so many Members have set out today, that develops cognitive, social and emotional skills that set them up for life. Those who work in the sector are rightly passionate about those issues, and I have seen that at first hand. I have only been in my role as Minister for Children and Families since September, but I have visited numerous early years settings, and it is one of the best bits of the job. Every single one is a truly uplifting and inspirational experience, and I look forward to many more. A visit is always full of laughter, because the children come out with the funniest things—I forget, because mine are a little older now. We also see the passion and dedication of the staff, as well as their love, care and compassion—it is overwhelming.

Evidence shows that high-quality childcare supports children's development, prepares children for school and, of course, allows parents to balance work and family life. We are doing more than any previous Government to ensure that as many families as possible can access high-quality and affordable childcare. I am proud of the progress that the early years sector has made in recent years. In 2019, nearly three out of four children achieved a good level of development, compared to around one out of two in 2013. In 2021, 97% of

providers were rated good or outstanding by Ofsted, which was up from 85% in 2015. I am sure that Members will welcome that considerable progress.

It is important not to be complacent, and I will certainly not be. We must build on that excellent performance by the sector, particularly in the current tough circumstances. The question is, how can we do better, because we can do better? In my opinion, and my hon. Friend the Member for Winchester set this out elegantly and articulately, the answer is people. It is all about people who are educators. As of spring 2021, there were 62,000 providers offering 1.5 million Ofsted-registered childcare places in England, with almost 330,000 educators in those settings. The majority of educators work in group-based settings, or for such providers, with 16% in school-based settings—as my hon. Friend the Member for Bury South said—

James Daly: North.

Will Quince: North, I apologise to my hon. Friend the Member for Bury North (James Daly)—I should not have got that one wrong! I will address his point later.

A further 12% are childminders and assistants. The expertise of those educators is our greatest asset in ensuring that early years provision is of the highest quality. We must invest in the workforce, and that is exactly what the Government are doing. I will set out how in more detail later.

I now turn to some of the specific points made in the debate, before going on to some of the broader themes. My hon. Friend the Member for Winchester, in his constructive contribution, had a quote—

“we would be lost without these people. They are truly amazing”—and I could not agree more. I have—from next week—a 10-year-old and a six-year-old. Recently, they have been through numerous childcare settings. I understand the importance of the settings and how vital they are not only to the parents, but to the children. They love—I use that word deliberately—the people who look after them in the day, those educators in the early years settings.

We have to address how the profession is viewed and valued—as educators and more than just childcare. My hon. Friend was absolutely right about that, and I will come on to it. He started and finished his speech with how early years staff are educators; early years is far more than just childcare. I totally agree, and I look forward to working with him and the APPG to see what more we can do in that area.

The hon. Member for Strangford (Jim Shannon) talked about the work we do with the devolved Administrations. A huge amount of work goes on at the level of officials. I have to confess, I have not yet met my counterpart to discuss this issue, but I very much look forward to doing so.

The hon. Member for Twickenham (Munira Wilson), who is not in her place but to whom I will respond none the less, raised the vital issue of speech and language. We have created the professional development programme and we have put a lot of emphasis on speech and language, because of its importance. We invested an extra £27 million, as part of the £180 million recovery programme. We also have the SEND review and, as part

of that, it is vital that we have early identification and early intervention. It is important that that happens in early years settings wherever possible.

Stephanie Peacock: On the point about SEN provision, I have been contacted by a nursery in Barnsley which provides support—one-to-one support, in many cases—for children with SEN. It is worried that a number of nurseries are having to turn away children because there simply is not the funding. My local council has a deficit of £11 million, which is set to double in the coming years. What are the Government doing on SEN generally, and more specifically on funding?

Will Quince: The hon. Lady is right that there are significant issues within the SEND system, which is why we have the SEND review. There are local authorities with significant pressure on their budgets. We are putting more money into the high-needs budget—about 10%, year on year—but we are conscious that money alone will not solve the issue. That is why we have the SEND review. I am working at pace on that as we speak. The SEND review will conclude and we will launch a Green Paper and a consultation by the end of March, so within the first quarter of the year. The hon. Lady's point is well made.

My hon. Friend the Member for Truro and Falmouth (Cherilyn Mackrory) mentioned people leaving the profession. I will come back to that point, because it is really important. Recruitment and retention are key. I hear her call about the pilots in Cornwall and I will certainly look into that; I am always keen to visit Cornwall, whenever possible, so I will bear that in mind.

My hon. Friend also mentioned a largely female workforce, which is something I want to address. I want to see more men working in early years settings. It is really important. As my hon. Friend the Member for Winchester referenced, the Government want families to stay together wherever possible. Where they do not, there is not necessarily a male role model in the household, so it is really important in education settings that there are good male role models for children to look up to. We have the Pulse survey, which monitors the private, voluntary and independent sector. We meet with the sector regularly to keep on top of these issues.

My hon. Friend the Member for Ruislip, Northwood and Pinner (David Simmonds) mentioned ratios, which I will come on to very briefly. I assure him that local authorities can retain only 5% of the funding allocated; they have to pass the rest on. My hon. Friend the Member for Northampton South (Andrew Lewer) referenced the whole-child approach, the first 1,001 days and family hubs. I recognise that he welcomes the £300 million investment that the Government are making in this area.

Numerous hon. Members mentioned funding. I agree that high-quality childcare supports children's learning and development and prepares young people for school, as well as having a huge impact on later outcomes. That is why the sector is working really hard to support children and their parents. It is also why the Government have spent more than £3.5 billion in each of the last three years on early education entitlements, and we will continue to support families with their childcare costs.

[Will Quince]

As my hon. Friend the Member for Winchester rightly pointed out, we announced additional funding of £160 million for 2022-23, £180 million the year after and £170 million the year after that, compared to the current year. That is for local authorities to increase the hourly rates paid to childcare providers and reflects the cost pressures that are anticipated and the changes in the number of eligible children.

So what does that mean? For 2022-23, we will increase the hourly funding rates for all local authorities—by 21p an hour for the disadvantage entitlement for two-year-olds in the vast majority of areas and by 17p an hour for the entitlement for three and four-year-olds.

I want to come on to the point about recruitment and retention, because they are really important.

Helen Hayes: Will the Minister give way on that point?

Will Quince: If the hon. Lady will give me time, I will come back to that point if I can.

Recruitment and retention are really important. Early years provision in 2021 was delivered by an estimated 328,000 staff. The majority of providers work to the required staff to child ratios for each age group, with some providers reporting that their ratios are more generous than the statutory minimum. We recognise that recruitment and retention are key issues for the sector, and local authorities are reporting significant pressures on providers. Importantly, we are working with the sector to build our understanding of the situation and how we might better support providers. We have commissioned qualitative research interviews on the theme of the early years workforce and a survey on the impact that covid is having on the workforce. We are working closely with the sector to identify some of those issues.

To aid recruitment and retention, we have also invested £153 million in programmes to support workforce developments as part of the £180 million package that I referenced. However, I hear what my hon. Friend the Member for Winchester said about the pressures and the questions he rightly raised about salary and how that impacts on recruitment. I will continue to listen to him, the all-party parliamentary group and the sector.

On ratios, the statutory framework for early years foundation stage sets out the staff to child ratios to help ensure that there is adequate staffing to meet the needs of, and to safeguard, children. They assume that the youngest children are the most vulnerable—I think that is the right approach—and need the greatest number of staff, but providers may need more staff where other needs are identified—for example, special educational needs. The Government are committed to working with the sector to support covid recovery, as well as on the broader concerns.

I want to clarify that there is a difference in ratios between England and Scotland, and I will look at that closely, but I assure all those who have raised the issue of ratios that I will always take an evidence-based approach. I will be very careful and considered in the way that I approach this and I will always put at the heart of this issue the needs of children and young people and the safeguarding of children. I will of course work with the APPG.

My hon. Friend the Member for Stroud (Siobhan Baillie) referenced military-style childcare planning. I very much recognise that myself. Childcare costs and pressures are acute for many families. They are the second highest cost only to their mortgage or rent. We recognise that and it is something I am looking at that closely as part of my portfolio. I am interested to hear about her work on the universal credit offer. At the moment, the take-up for that is, frankly, too low.

With regard to maintained nursery schools, the points were well made and I echo the comments made about the late Member for Birmingham Erdington, Jack Dromey, who was a passionate advocate in this area. He last raised this with me just before Christmas and his voice will be sorely missed. The funding rate for maintained nursery schools will increase by 3.5% next year. That gives them the long-term certainty that they asked for. However, I recognise that they have some unique characteristics, such as a headteacher and a special educational needs co-ordinator, so I am looking at this closely and I will raise this with the Treasury.

Finally, I will touch again on SEND, which is absolutely a passion of mine. As part of the SEND review, we have to get early identification and early action at the heart of that. The earlier we identify the need, the better the support we can put in place, giving parents confidence, but most importantly, providing better outcomes for children and young people with special educational needs.

To close, I am enormously grateful to my hon. Friend the Member for Winchester for the support he has given this agenda today and to all those who have contributed to the debate. The steps we have taken underline the importance of early education and the role of educators in that sector. The Government have made a substantial financial commitment that will in decades to come provide the workforce with the skills and expertise to ensure that no child is left behind. I look forward to continuing to work with my hon. Friend, the APPG and the sector to progress these issues further.

3.57 pm

Steve Brine: I thank the excellent Minister, who has given us much that we across the sector and the different all-party groups represented here today can work with. He is a breath of fresh air to the sector and I thank him.

There has been a consistency and clarity across the speakers today, and they have all made very good points. However, there has been some consistent messaging around the workforce and pay. An early years worker once sent me an advert from the local newspaper that showed that dog walkers were offered more pay than those who look after our precious little ones. As long as that is the situation, Houston, we have a problem.

I repeat my call that we have to treat early years workers as educators and we have to pay them at a level commensurate with reception year teachers. We should have a policy aim to bridge that gap. It is very much a policy aim that I and the all-party group have and we would like to get it on to the Government's agenda and make it their policy aim.

I thank my colleagues, and I thank the hon. Member for Dulwich and West Norwood (Helen Hayes) on the Opposition Front Bench for her constructive comments, although I would have liked to see more of her Back Benchers behind her—I really would.

Question put and agreed to.

Resolved,

That this House has considered the role of early years educators.

3.59 pm

Sitting suspended for Divisions in the House.

Cyber-flashing

4.37 pm

Fay Jones (Brecon and Radnorshire) (Con): I beg to move,

That this House has considered the matter of cyberflashing-related harms.

It is a pleasure to see you in the chair, Mr Gray. Let me start by explaining the perverse act of cyber-flashing. In essence, it is where a person is sent an unsolicited sexual image. There are two currents to this, and the first is through social media. More often than not, indecent images are persistently sent to Instagram, Snapchat or Twitter accounts. The second, more perverse angle, is where an image is received in a public place on someone's device, just because their Bluetooth or AirDrop happens to be on. It often happens in public places such as on trains and buses or in lecture halls, where someone is in close proximity to people they do not know. It happens to men and women of all ages, and, sadly, is only increasing.

Cyber-flashing can be intimidating and distressing but, more than that, if someone receives an indecent image from a stranger in a public place, they are in a very vulnerable position. They are often alone with their perpetrator. Sometimes, the perpetrator is there, deliberately watching them, waiting for their reaction. It is a way of creating anxiety, a feeling of being watched and lack of safety, with the inherent threat that it could be followed up by a physical act of sexual harassment or violence.

There is evidence that cyber-flashing in this way is a gateway offence to more serious acts of violence. The man who killed Sarah Everard was accused of flashing before he went on to commit his horrific crime. It is time we made cyber-flashing a criminal offence on a par with its physical counterpart, to ensure the law catches up with technology.

Caroline Nokes (Romsey and Southampton North) (Con): My hon. Friend has done incredible work highlighting the seriousness of cyber-flashing. Does she agree that it needs to be a specific criminal offence, alongside public sexual harassment? I would love to hear the Minister's views on that.

Fay Jones: I thank the Chair of the Women and Equalities Committee not just for her intervention, but for her work in this area. I agree with her, and I would be interested to hear the Minister's response later on.

At present, if someone is a victim of cyber-flashing the avenues to seek justice are limited at best. The Indecent Displays (Control) Act 1981, which criminalises the public display of indecent matter, is little known and likely to be little used. Laws on image-based sexual abuse are not based on an understanding of power and entitlement as the factors behind sexual harassment. They focus too narrowly on perpetrator motivations and do not provide the protection of anonymity for complainants, which I think is crucial.

Cyber-flashing is not an entirely new or recent problem. I am not the first to raise the need to criminalise cyber-flashing in this place. I pay tribute to hon. Friends who have partnered with the magazine *Grazia*, including my right hon. Friend the Member for Basingstoke (Mrs Miller) who has endorsed this campaign.

[Fay Jones]

Since I have started talking about making cyber-flashing an offence in its own right, I have received not just many messages of support, but countless emails and social media messages from women who have been subjected to this cruel act. I pay particular tribute to the television actor and personality, Emily Atack, who was invited to Parliament by my hon. Friend the Member for Stroud (Siobhan Baillie) to talk about her experiences. I explained that I had sent her a message on Instagram asking to work with her on this campaign; she apologised to me, explaining that she never saw the message because her account is deluged with indecent images. I congratulate Emily, and others, for having the courage to speak out.

One field in which cyber-flashing is extremely common is online dating apps. I have been working with the app Bumble, which says that cyber-flashing is shockingly prevalent in the UK and disproportionately affects young women. According to a Bumble survey, in the past year alone 48% of millennial women said that they had been sent an unsolicited sexual image. One in four of those surveyed found that the prevalence of unsolicited lude images had got worse during the covid-19 pandemic, while one in three believed that cyber-flashing had become part and parcel of online behaviour. I do not know about you, Mr Gray, but I find that shocking. If we can agree on one thing this afternoon, it is that the unsolicited sharing of lewd images is not a part of normal courtship.

Education is one way in which we can seek to address this growing problem—making young people aware of the harm that this act can inflict on someone. This is already happening, thanks to campaign-led organisations such as Brook, which provide relationships and sex advice in schools throughout England and Wales. Its campaigners are also spending this freezing-cold Tuesday afternoon sitting on College Green with their advertising van. I encourage all Members, if they have a moment, to go and show their support for the campaign to ban cyber-flashing. I credit them for being hardy enough to stay there all afternoon.

Brook's campaign to raise awareness of the harm caused by cyber-flashing is based on changing people's behaviour and educating around consent. It is illegal to send someone younger than 18 an indecent image, yet almost half of millennial women who have received such an image were younger than 18 the first time that it happened. This figure rises to 71% when looking at 18 to 24-year-olds. What is illegal offline should be illegal online, and the law needs strengthening to achieve that. In June 2018, the Government introduced the Voyeurism (Offences) Act 2019, which sought to make upskirting a specific criminal offence. This is a prime example of how the law is involved in catching up with technological advancement.

Ruth Edwards (Rushcliffe) (Con): I congratulate my hon. Friend on securing this debate and on her fantastic campaign. She is talking about the law keeping up; it seems to me that one of the key problems when it comes to offences using digital technology is the speed with which criminals exploit technology—in this case to sexually harass people, and mainly women—far outstrips the speed of our legislative process. While it is important that we get things right, does my hon. Friend agree that

we need to take steps to speed up our response to new sexual offences such as upskirting, threats to share intimate images and cyber-flashing, so that we can better protect people sooner?

Fay Jones: I absolutely agree with my hon. Friend. This is an area where Government and technology companies need to work hand in hand and at pace, in order to catch up. Until the specific offence of upskirting was properly legislated for, the best alternative offence of outraging public decency was used to prosecute offenders. Victims deserve better.

In 2018, the Women and Equalities Committee recommended that cyber-flashing must be addressed by Government. It said:

“The Government should introduce a new law on image-based sexual abuse which criminalises all non-consensual creation and distribution of intimate sexual images, including altered images, and threats to do so. This should be a sexual offence based on the victim's lack of consent and not on perpetrator motivation, and include an automatic right to life-long anonymity for the complainant, as with other sexual offences.”

Four years on, if the Government want to make their Online Safety Bill a gold standard for internet safety—I commend their ambition—they must include legislation against cyber-flashing. I was concerned by the report published yesterday by the Digital, Culture, Media and Sport Committee, which said that, as currently drafted, it is not robust enough to tackle some forms of illegal and harmful content.

The Online Safety Bill is the vehicle to give victims the power to seek prosecution and hold perpetrators to account for their actions. That has been backed by the draft Bill Committee, and by the Law Commission's recommendations. I was delighted at the end of last year when my right hon. Friend the Prime Minister, when questioned by my right hon. Friend the Member for Romsey and Southampton North (Caroline Nokes), agreed that cyber-flashing should be a criminal offence. That was later echoed by the Secretary of State for Digital, Culture, Media and Sport. We are on the right track, but I press the Minister to go as far as she can, and to say when we can see more detail of the Online Safety Bill.

Siobhan Baillie (Stroud) (Con): I thank my hon. Friend for all that she is doing. As we know that most cyber-flashing is sent from anonymous accounts, making it scarier, particularly when the perpetrator might be in the same vicinity as the victim, does my hon. Friend agree that tackling anonymity online and anonymous abuse is a key part of dealing with cyber-flashing, as is being able to track perpetrators?

Fay Jones: We are in danger of all agreeing with each other, which is a very good thing. I pay particular credit to my hon. Friend, who has done so much work on anonymity through her ten-minute rule Bill. That is crucial. Social media companies also have a huge role to play in this.

Going back to the point on consent, which I touched on earlier, I put on the record my thanks to Professor Clare McGlynn, who has been a leading figure in the campaign to legislate for a consent-based offence. It is critical that any new law is comprehensive, covering all forms of cyber-flashing, and therefore giving all victims the reassurance they need.

Mrs Maria Miller (Basingstoke) (Con): I congratulate my hon. Friend on securing this important debate; we all wait for the Minister's response. She touched on the issue of a consent-based approach. That touches on the core wrong, which is that it is a non-consensual sexual act. Does she join me in urging the Minister to look at what is happening in Texas, California, New York, Virginia and Wisconsin, all of which are adopting a consent-based approach when legislating for this offence?

Fay Jones: I agree with my right hon. Friend. Looking through the prism of consent empowers victims and lowers the threshold for people to take this forward. Consent is extremely important. The lawful consensual sharing of images between adults is fine and appropriate if it involves free choice, but it is important to recognise when that crosses the line, and that is through consent.

To my hon. Friend's point, a consent-based offence covers all forms of cyber-flashing, regardless of the motives of the sender. Motive requirements create an unjustified hierarchy of abuses and victims, which does not reflect victims' experiences. Technology companies, the media, politicians and employers all have a part to play in developing policies and practices to challenge everyday sexism, structural sexism and harmful sexual behaviours.

I want to point out the work that Bumble is doing. Bumble is a dating app on which women initiate the conversation, and its ethos is around protecting those who use the app. Not only does Bumble have a one-strike-and-out policy for people who are reported for lewd activity, but it has "private detector" technology that recognises and blurs explicit images, and offers recipients the chance to view the images or block the senders. That is industry-leading technology, and I commend those at Bumble for taking that approach. They have been involved in other initiatives around the world, as my right hon. Friend the Member for Basingstoke said.

I had best draw my remarks to a close because I know that we all want to hear from the Minister. It is imperative that we criminalise cyber-flashing in England and Wales as soon as possible. Every day without an offence in place means that victims are denied an effective route to justice. Let us lead the way by continuing the progress that the Government have already made, and make cyber-flashing illegal once and for all.

4.50 pm

The Minister of State, Home Department (Victoria Atkins): May I say what a pleasure it is to serve under your chairmanship, Mr Gray? Thank you for your munificence in holding on until I raced my way here this afternoon.

I also thank my hon. Friend the Member for Brecon and Radnorshire (Fay Jones) for securing the debate and for all her work on this vital issue since entering Parliament. Looking at my right hon. and hon. Friends across the Chamber, I genuinely see a group of very, very committed female parliamentarians who are doing everything that they can from the Back Benches to ensure that women and girls are protected in our society. I will try to reference them in my response.

I reiterate the horror set out by my hon. Friend in some of the experiences that we know about through campaigning organisations such as Brook. Women travelling

on public transport or just going about their day-to-day lives can have such images thrust upon them and inserted into their lives without any consent.

My right hon. Friend the Member for Basingstoke (Mrs Miller) raised the absolutely valid point of consent. Indeed, she has been doing really groundbreaking work in highlighting the threat of deep fake pornography. Sadly, I think that we are only just beginning to see the potential and pernicious effect of that form of pornography. My right hon. Friend is very much leading the campaigning and raising awareness of those new ways in which criminals and others are using the internet.

My hon. Friend the Member for Brecon and Radnorshire quoted the Prime Minister's response to a question about cyber-flashing from my right hon. Friend the Member for Romsey and Southampton North (Caroline Nokes) during a sitting of the Liaison Committee. He said:

"I don't care whether flashing is cyber or not, it should be illegal."

In his own inimitable way, he has set out the Government's approach to cyber-flashing. We absolutely support the development of such an offence, and we are carefully considering an offence along the lines of that proposed by the Law Commission.

My hon. Friend the Member for Brecon and Radnorshire asked whether the Online Safety Bill might be the vehicle through which that law was brought about. We are actively looking at that, but we very much understand the need for speed and, indeed, the wish of women and girls around the country for the issue to be dealt with quickly and effectively.

As my hon. Friend set out, criminal offences that may serve to deal with such situations already exist, and she listed a few of them. We recognise, however, the potential problems that may limit the application of some of those offences. In our discussions, the police and Crown Prosecution Service raised the practical difficulties of using section 66 of the Sexual Offences Act 2003, for example, because that particular offence requires that the genitals exposed are those of the offender. That may of course be very difficult to prove. In a situation where a woman received such a photograph on a crowded bus or tube carriage, for example, it would be an almost impossible element to prove, by definition. As such, we understand that there is a need to change the law, and also to reflect on the impact that these images can have on women and girls going about their business day to day. They may be distressed, worried, humiliated or frightened. Imagine a 15-year-old girl getting a bus home from school on a dark winter's night, and this image pops up on her phone. She will be worrying, I would imagine, about what will happen to her when she gets off that bus to make her journey home. We absolutely understand that.

That is why, as a result of the concerns expressed by my hon. Friend the Member for Brecon and Radnorshire and others, as well as wider concerns about the development of new technology and how it is being used by perpetrators to commit offences, we wanted to understand whether the law as it is has kept pace with modern behaviour. It is why we asked the Law Commission to review the law on harmful online communications, to ensure that if change is needed, we do so in the right way. It reported last year, and I am extremely grateful to the Law Commission for that report, which recommended, among other things, a new criminal offence relating to cyber-flashing.

[Victoria Atkins]

It is worth noting—indeed, my hon. Friend, in her usual thorough manner, did exactly this—that the offence of cyber-flashing is increasing in prevalence. According to the British Transport police, there were 66 reports of cyber-flashing in 2019, compared with 34 in 2018 and just three in 2016. Of course, as campaigns such as that of my hon. Friend get more traction, we are very alive to the risk that we will hear of more instances, because women and girls will know that they are not the only ones suffering these incidents and will, I hope, have the confidence to report them to the police. Having commissioned the Law Commission review, we are now working to ensure that we can change the law to reflect the realities of life in the 21st century.

My right hon. Friend the Member for Romsey and Southampton North, in her usual thorough and rightly pressing way, invited me to discuss the issue of public sexual harassment. Again, through the tackling violence against women and girls strategy, we have looked at that phenomenon, because we hear from campaigners that they believe that not just the nature but the frequency of such incidents has got worse and more prevalent over time. We keep under review the existing offences that are in place, but I know that my right hon. Friend will continue to be a strong advocate for a change to the law in this area.

Caroline Nokes: Will the Minister briefly reflect on the fact that it is not just campaigners, me and Members from across the House who are calling for a change in the law, but the Law Commission?

Victoria Atkins: Indeed. I was just about to say that my right hon. Friend has been joined by excellent company in the form of the Law Commission. She will, I am sure, appreciate that we are taking a little bit of time to consider this issue carefully.

My hon. Friend the Member for Brecon and Radnorshire spoke about the Online Safety Bill being the perfect vehicle for such a change in the law. As she would expect, we are working closely with our DCMS colleagues to explore the potential of that. Reference was made to the Women and Equalities Committee report that was published this week, and we invited the House to join us in drafting that Bill through pre-legislative scrutiny. My hon. Friend will know that a Joint Committee reviewed it very carefully and, of course, all of those considerations will be taken into account as DCMS takes the Bill forward.

My hon. Friend the Member for Rushcliffe (Ruth Edwards) made the fair point that while the Government look to legislate in due course, there is nothing to prevent internet companies from acting now. We should absolutely encourage these tech companies to consider their own moral duties to the public. They do not need to wait for us to pass a law: they can do the right and decent thing to stop women and girls suffering this sort of behaviour.

I would like to reassure my hon. Friend the Member for Brecon and Radnorshire and every colleague who has joined us this afternoon that we are actively and carefully considering the Law Commission's recommendation on cyber-flashing, and are looking to identify a legislative vehicle as we aim to introduce a new, specific offence to criminalise it.

Question put and agreed to.

Skin Conditions and Mental Health

5 pm

James Gray (in the Chair): I remind Members that Mr Speaker has asked us to wear our masks if at all possible and to maintain social distancing where we can.

5.1 pm

Sir Edward Leigh (Gainsborough) (Con): I beg to move,

That this House has considered skin conditions and mental health.

I want to start my speech by making a point that I will make at the very end: mind and skin are linked, and we have to take action on both if we are to break the vicious cycle of psychological harm. I suppose, really, I should declare an interest right at the beginning of this debate. It is not a financial interest but a personal interest: I have rosacea, which makes one's face red and can ultimately deform it, and I take antibiotics every day. There are many more serious conditions—I do not make a great thing of it—but only today, in relation to something else I said on a completely different subject in the House of Commons, I have already received one email accusing me of being a red gammon head and a ruddy-faced buffoon.

I take it very lightly, because I know I am already old and ugly, but for young people this kind of personal abuse about their appearance is deeply upsetting and drives many people into deep psychological harm, because mental health and physical health are intrinsically linked. Knowledge of this link has driven recent advances in NHS service delivery and underpins much of the thinking in the long-term plan. Although that has led to the development of trailblazing and new services for many people with long-term conditions, for some reason people living with skin conditions continue to have dire access to psychological services. Indeed, in 2020 the all-party parliamentary group on skin, which I chair, published a report on the mental health issues faced by people living with skin conditions. It demonstrated that the psychological impact can be severe, in terms of the effect on people's work, education and healthcare use. We should all worry about this, as 60% of us live with some form of skin condition.

Since the publication of the report, the developing impact of the covid pandemic has inevitably made a bad situation worse. One of my colleagues—who might speak in the debate—said that he was told by his GP only recently that he might have to wait a year for an appointment about a skin condition. With many patients with inflammatory skin diseases now experiencing a 12-month wait for a first appointment with a dermatologist, the stress and anxiety experienced by many individuals has risen significantly. I therefore want to spend this debate outlining the need for commissioners and health leaders to rethink how the NHS provides psychological care for people living with a skin condition.

The APPG's report on the mental health associated with skin conditions is available on the group's web pages. The report was based in part on a survey conducted by dermatologists and psychologists of 500 skin patients, with evidence also collected from 100 clinicians and 16 dermatology-related charities. The report was led by

experts from the British Association of Dermatologists. The survey part of the report found that 98% of skin disease patients felt that their condition affected their emotional and psychological wellbeing; yet astonishingly, all the patient representative and professional organisations providing evidence stated that the NHS mental health provision for skin was “poor” or “very poor”. In addition, over half the patients surveyed did not even realise that they could ask for help with managing the mental health impact of their skin disease. That clearly demonstrates just how under-resourced services are in this part of the NHS.

I would like to draw the attention of the House to some other worrying findings that our research for the report highlighted: 93% of patients surveyed said that their skin condition had a negative impact on their self-esteem; 83% said their skin condition negatively impacted on their sleep; 73% said their skin condition negatively impacted on their intimate relationships; and 5% said that they had contemplated suicide. Sadly, I have been informed by healthcare professionals working in our NHS dermatology services that patients living with skin conditions are at increased risk of self-harm, as we well know, and that a number of them, sadly, go on to take their own lives.

There is also a great economic impact, with the double whammy of skin disease and the psychological burden associated with it. Some patients surveyed said that their skin disease had been so distressing that they had felt they had to give up their job. Let me read a brief excerpt from a quote in the report:

“When I turned 19 it [the eczema] became so bad that I couldn’t participate in normal life anymore due to the pain...I had to give up my job as I am always too unwell.”

Of course, our skin is implicated in everything we do and it is often not understood that skin conditions affect not just the individual living with them but their wider family. As for the impact on intimate relationships, let me read out another quote from the report:

“My skin is often too painful to have intimate relations with or to even to hug or kiss my partner. I had to postpone my wedding as I can’t cope with the idea of a flare up on my wedding day.”

Recent research and evidence suggests that parenting a child with a chronic skin condition can trigger parental stress, and the all-party group’s survey also included responses from some children. Every one of the children surveyed indicated that their skin condition had negatively affected their mental wellbeing, with the vast majority reporting that it had impacted on their performance at school. One of the children is quoted in the report as saying:

“I was so depressed. I felt like I was rotting away inside an alien growth on my face. I didn’t wanna exist like that. I wanted to chop my own head off.”

All this emotional turmoil was experienced by a child living with cystic acne. Clearly, if we do not support such children, the distress that they experience in relation to their condition may have a long-term impact on their future wellbeing.

There are some good services out there. The report highlighted a few trailblazers, such as the specialist IAPT—improving access to psychological therapies—service in Sheffield and the well-established psycho-dermatology services in some London hospitals. Psychological interventions

are also being tested, and approaches involving cognitive behavioural therapy, merged with mindfulness and self-compassion, are showing great promise.

Nevertheless, our report demonstrates that there is very much a postcode lottery, with many hospital dermatology services not having access to psychological services or clear pathways to refer people at risk to the support they need. Alarming, less than 5% of dermatology clinics across the UK are providing any level of specialist mental health support for children and young people. And believe it or not, but in Wales there are no dedicated psychological clinics, and there are certainly none in Lincolnshire. Only a very small minority of trusts have such clinics.

This is a ludicrous situation. Research shows that psychodermatology clinics are more cost-effective to run, compared with managing skin patients with psychological distress in more generalist healthcare settings. Therefore, I urge the Minister to consider how funding is allocated and spent in this area. Covid has made things worse for dermatology patients, with poorer access to face-to-face consultations further preventing assessment and identification of mental health issues.

It is not just our report that stresses the need to embed in dermatology services psychological screening and access to psychological intervention. That is also a feature of most of the recent treatment guidelines that have emerged from reviews of the academic literature and consultation with experts. For example, the recent guidelines of the British Association of Dermatologists on the treatment of the depigmenting skin condition vitiligo make it clear that access to psychological support should be available.

Furthermore, while some conditions might be primarily psychological in nature, they pretty much always present in dermatology services. For instance, skin-specific delusional conditions and medically unexplained itch disorders can be devastating, and without clear access to psychological services, such patients can be put at considerable risk of having their underlying condition go untreated. Again, recent British Association of Dermatology guidelines in this area of practice make it clear that services need to be developed to meet the needs of this specific group of patients. However, investment has not been forthcoming.

As I draw to the end of this speech, let me share another disappointing fact with the House. The all-party parliamentary group has looked into the mental health of skin patients and service provision on two prior occasions, in 2003 and 2013. Our most recent report shows that, despite a general recognition of the need for better care in this area—and leaving aside the more recent impact of the pandemic—most of the recommendations of the previous reports have, I am afraid, not been acted on by Government. That seems to me to be an indictment of those responsible for the planning and commissioning of these essential services.

What should we do? We can start by building parity of esteem between dermatology services and other long-term conditions, both in access to specialist dermatologist care—which would of itself reduce the psychological impact—and in access to psychological services.

In order to achieve that, our report makes a number of recommendations. All NHS dermatology units must have regional access to psychodermatology services,

[Sir Edward Leigh]

with clear pathways for patients to be referred to for appropriate psychological intervention or support. There must be a stepped care pathway that starts with good quality screening and enables patients to speedily access the most economic and effective psychological services that they require and deserve. This is already in place for many other long-term health conditions, such as diabetes, but not for skin conditions. This cannot remain the case; it is simply not good enough.

To achieve that, we need to increase staffing in dermatology services and improve the dermatology and psychological training of all NHS staff who have regular contact with patients with skin conditions. That includes training for trainees, primary care clinicians and secondary care specialists.

Research funding for psychodermatology should be prioritised. It should focus on the development, evaluation and implementation of a range of psychological and educational interventions for patients with skin conditions. The inclusion of patient support organisations in service development is critical to amplify the patient voice and to ensure that patients have clear access to some of the excellent services available in the community. NHS mental health funding provided to local commissioners must urgently be used to invest in and improve mental health services.

In conclusion, I commend our report on mental health and skin disease, which demonstrates the alarming lack of psychological support available to people living with a skin condition. It provides national policy makers, commissioners and local service providers with an expert consensus on how mental health support for people with a skin condition should be structured in a range of clinical settings. This can be delivered cost-effectively.

The report also outlines the urgent clinical need for healthcare professionals to be equipped with the necessary skills and resources to provide the holistic care that patients need. This must include patient assessments and care that treats the mind and skin together; otherwise, we will not break the vicious cycle whereby problems create psychological problems that in turn exacerbate the skin condition. We ultimately hope that through the publication of this report and debate, the need for action will be made clear to policy makers and service commissioners working in Government and the NHS. I look forward to hearing from the Minister.

5.14 pm

Rachael Maskell (York Central) (Lab/Co-op): Thank you for calling me in this debate, Mr Gray. I also thank the right hon. Member for Gainsborough (Sir Edward Leigh) for bringing this issue to the Floor of the House.

I want to raise the case of one of my constituents who experienced topical steroid withdrawal and the side effects of that as a result of the treatment she received for her eczema. I very much concur with the conclusions of the right hon. Member for Gainsborough on the steps that now need to be taken, not least in instituting mental health support in the care pathway.

Having been prescribed topical corticosteroid medicines over a long time, my constituent experienced a very severe reaction upon withdrawal that caused far worse symptoms than those her eczema preparations were

intended to treat. The nerve pain was unbearable and inescapable; the skin split and bled; it was sore and painful. The oedema impacted on her care and was debilitating in itself. Those symptoms, exacerbated by the insomnia she experienced and by not going out—being housebound—therefore had a massive toll on her mental health.

The Medicines and Healthcare products Regulatory Agency and the Commission on Human Medicines have reviewed the impact of withdrawal and the over-prescribing of those preparations, which they often are because people need to treat their skin condition continually. As a result of an investigation under the yellow card system, they identified how poorly managed the condition is and how little known.

It comes back to the need for education around dermatology. At each GP practice, there should be a doctor who not only specialises in dermatology but has a good understanding of topical steroid withdrawal, who can therefore manage the pathway of patients. Patients should regularly see their GP for a review of the application of their medicine. It is even harder to trace what happens because there is no coding for this condition. We need to see coding to help to trace exactly what is happening. However, without proper research and investment in research into dermatological conditions, alternative preparations for the treatment of skin conditions are not being advanced at the pace that they should.

The debilitating process that my constituent suffered over not just days and weeks but months and years had a massive impact on her mental health. Depression is one of the side effects listed for these preparations. However, there is no point listing such conditions in the small print; we need to ensure that those side effects do not happen in the first place. We therefore need to ensure a proper review process within the education given to patients and the availability of other services.

That is why I support IAPT—improving access to psychological therapies—services being made available to people undergoing this treatment so that they can get the support they need. It is also worth noting that 81% of the people who experience topical steroid withdrawal are women; I notice that imbalance across healthcare and I will raise it every time. We continually fail on women's health, and that needs to be looked at specifically.

Finally, I would like to say that there is good support from charitable organisations. Globally, the International Topical Steroid Awareness Network is looking at this issue, as well as Scratch That—I know it is quite a name for a charity—which does fantastic work supporting people and building a network, particularly to help people with their mental health issues. It suggests that it can advance support by building a community, but also by giving people hope. People with a debilitating illness often particularly need hope. I trust that a proper pathway for people with TSW—but, more importantly, prevention—will be developed.

5.18 pm

James Sunderland (Bracknell) (Con): It is a great pleasure to serve under your chairmanship, Mr Gray. I want to talk about mental health support for those with skin conditions, which is something that is often forgotten about by health providers across the UK and beyond. That is surprising, because 60% of British people currently

suffer or have suffered from skin conditions at some point in their life. Those figures are comparable with cancer—it is a much bigger problem than we recognise. Some 98% of skin disease patients currently report that their condition affects their emotional and psychological wellbeing, yet only 18% have received any form of psychological support. That is a dichotomy that I want to explore very briefly—notwithstanding my sore voice, for which I am very sorry.

A key reason why support for these conditions is so important is that recent studies have proven that there has been an increase in psychological distress, and in the last two years in particular. That applies in particular to adults over 18 and children aged between six and 16. For over-18-year-olds, there has been an increase of distress from 20.8% in 2019 to 24.4% in March 2021. That in my view is a reflection of the pandemic, from which we have all suffered.

A study of adults over 18 also found that 26.1% of respondents reported self-harm thoughts at least once between March 2020 and May 2021. That is a hidden danger that we must all be aware of. It is even worse for those who are a bit younger. Among children aged six to 16, 39.2% have experienced some kind of deterioration in mental health since 2017—no doubt as a result of schools being closed and the isolation we all suffered from during the pandemic. For me, this debate is about the hidden dangers of the pandemic and the mental health cost on individuals.

That is made worse as young people emerge from the pandemic and their hibernation. How do they look? How do they feel? How low or high is their confidence? What about not having been in the sun for the last couple of years for those living in high-rise blocks in London and inner cities? What about skin conditions, such as acne? What about not going to school at that key age as a teenager? What about the lack of confidence that comes from having a skin condition? I want to raise these questions today. We can easily acknowledge the problem, but the solution is much more difficult.

Having discussed mental health, I want to move on to dermatology. The number of eczema sufferers in the UK has been steadily rising for the last 10 years. It stands currently at 1.3 million people. Interestingly, eczema is diagnosed much earlier. In around 90% of cases, it is children below the age of five. Psoriasis is much more of a problem for people that are slightly older. The prevalence of psoriasis in the UK today is a similar figure, at about 1 million to 1.3 million people. I am very familiar with it myself. Psoriasis is a problem that can affect how people look, and it is just one of many skin conditions, as we heard earlier from my right hon. Friend the Member for Gainsborough (Sir Edward Leigh). It is part of the whole panoply of skin issues that affect people so badly.

So what can we do? I want to raise three key points with the Minister. We need to improve the support for all those with skin conditions. We need to focus on the link between dermatology and mental health. First, I want to call on the Government to review their spending on dermatology to enable clinics to provide specialist mental health support for children and young people who suffer from skin problems. As we heard earlier, that may break the link between skin issues and mental health, which people are increasingly suffering from.

Secondly, we should ensure that, whenever possible, face-to-face appointments are available to those who need them. That is really important. It is about human contact and touch. A Zoom call with a doctor is fine, if people can get an appointment, but it does not recognise the problem. The doctor cannot see it nor feel it. That, for me, is very important.

Sarah Olney (Richmond Park) (LD): The hon. Gentleman is giving an excellent speech. I, too, pay tribute the right hon. Member for Gainsborough (Sir Edward Leigh). This is such an important issue. I have been contacted by a constituent of mine called Margaret who is a lifelong sufferer of psoriasis. To judge from his opening speech, I think that much of what she said in her email to me would be very familiar to the right hon. Member for Gainsborough. Does the hon. Member for Bracknell (James Sunderland) agree with me about the importance of first contact with the doctor and how important it is that sufferers of all kinds of skin conditions can feel confident about reaching out to their doctor? As the hon. Gentleman says, face-to-face contact is so important. I also want to emphasise to anyone, anywhere, who might be suffering from a skin condition that help is available and they should not hesitate to seek it.

James Sunderland: I thank the hon. Lady for her intervention; I could not agree more. The simple answer is that doctors cannot see anything on a Zoom call. Also, people need to be able to see a doctor to get a prescription. If someone has a skin condition, they cannot just go to the chemist to get a prescription. They have to get an appointment first in order to get the prescription, and that is where face-to-face appointments come into it.

My third point is that we need to increase the range of psychological support for all those who need it. That is part of the panoply of health support that we need. A 2014 study showed that 94% of the patients who had completed psychodermatology treatment reported reduced stress, 92% reported increased confidence, and 90% reported that their skin condition was better understood. Wow. Those figures are amazing, but if someone asks for that treatment at this point in time, it takes up to a year for a referral, which is worrying.

I want to commend the excellent services locally in my constituency. The Frimley integrated care system is one of the best in the country, if not the best. The treatment that I have had personally has been pretty good, notwithstanding the delay that we are all suffering from. Lastly, I ask the Minister to reinvest accordingly in this very important area so that young people and adults are not suffering.

James Gray (in the Chair): This debate can continue until 6.07 pm. However, the House will know that there is very probably a vote at 6 pm. Coming back for five minutes seems odd, so it would be helpful if we can conclude by 6 pm. We have three further Back-Bench speeches and 15 minutes to conclude them in, so four or five minutes each will be helpful.

5.26 pm

Carolyn Harris (Swansea East) (Lab): It is a pleasure to serve under your chairmanship, Mr Gray. I congratulate the right hon. Member for Gainsborough (Sir Edward Leigh) on securing this debate.

[Carolyn Harris]

As co-chair of the all-party parliamentary group on beauty, aesthetics and wellbeing, I am deeply concerned about the impact on mental health of having a visible difference, particularly for our children and young people growing up in a world where body image seems to become so significant, with the explosion of social media platforms. Living with a skin condition or any form of disfigurement impacts on an individual's everyday life. At best, they might have to put up with strangers staring or pointing fingers, but for many it is a steady stream of teasing, harassment or bullying, which has a detrimental effect on self-esteem and subsequently on psychological wellbeing.

Almost one in five people across the UK self-identify as having a visible difference—a mark, a scar or a skin condition. We know that at least 1.3 million people are living with a significant disfigurement, which includes 569,000 with facial disfigurements. Although many dermatological clinics can provide support and advice on the physical challenges and treatments, fewer than 5% of them offer any level of specialist mental health support for young people.

I have talked before in this place about the fantastic charity Changing Faces, which provides unique and life-changing counselling and emotional and psychological wellbeing support for those with visible differences and their families. It does an amazing job and relies on voluntary funding and grants that stretch only so far, which means that it can reach only a tiny percentage of the people who need its help. Its mission is to challenge prejudice and discrimination and to change attitudes towards people living with skin conditions and scarring. Its “Pledge to be seen” campaign was launched to ensure that people with a visible difference that affects their appearance are seen and heard across mainstream culture and in workplaces.

I was absolutely delighted last year when the Welsh Government signed the pledge and became the first UK public body to make the commitment to represent and support those with skin conditions or disfigurements. I certainly encourage businesses and brands to do the same and to help to make society more inclusive. Research carried out by Changing Faces showed that people with visible differences are often vulnerable to isolation, loneliness and social anxiety, which is something we would have seen intensify over the last two years of covid.

As we start to emerge from the pandemic, our NHS services across all areas are stretched to full, beyond capacity, and we risk a looming mental health crisis. Something has to be done to tackle the growing gap in specialist mental health support for people with skin conditions. These people are not different; they simply have a visible difference. By seeing them represented in job adverts, brand marketing and campaigns, we will start to reduce the stigma, and I hope, in turn, some of the ridicule and bullying that they currently encounter.

I encourage colleagues from across the House to promote the “Pledge to be seen” campaign, and ask the Government to follow the lead of the Welsh Government by signing the pledge themselves. We all acknowledge the need for better mental health care, but alongside that it is up to us to demonstrate our commitment to reducing intolerance and prejudice, and to promoting opportunity and inclusivity.

5.30 pm

Caroline Nokes (Romsey and Southampton North) (Con): It is a pleasure to serve under your chairmanship, Mr Gray. I pay tribute to the APPG, and to my right hon. Friend the Member for Gainsborough (Sir Edward Leigh) for securing this important debate. I will try to keep my comments brief, but the challenge is that there is so much to talk about.

I, like the hon. Member for Swansea East (Carolyn Harris), pay tribute to Changing Faces, which has done incredible work to promote the cause of those with visible difference, who too often in our lives face discrimination and bullying. We know that 55% of young people will be bullied about their appearance. With the skin the largest organ of the body, it is almost inevitable that those who have a visible difference, such as eczema, cystic acne, scars or burns, will face some horrendous bullying at school—the sort of bullying that means that they do not take part in the ordinary activities that other children do. When I say “ordinary activities”, I mean that they do not want to take part in PE or put their hand up in class in case attention is drawn to them. Is it any surprise that children who have conditions that require medical treatment also need psychological help to overcome all of that?

I pay particular tribute to the most amazing man in Southampton, Professor Keith Godfrey—a dermatologist at Southampton General Hospital who runs the paediatric dermatology service.

Nobody likes talking about acne. I have been in this Chamber when I have heard Members say to me, “Nobody died of a few spots.” But actually, we heard my right hon. Friend the Member for Gainsborough highlight acts of self-harm in young people who feel so bullied and pressured because of the state of their skin that they do not leave their bedrooms and do not want to take part in school activities. Tragically, some do take their lives; they lose their lives because of “a few spots”. That is why it is so important that they are given the psychological help they need to get through their conditions.

Sometimes this is terribly controversial and upsets people, but I want to pay particular attention to the drug Roaccutane, which in itself can cause low mood. It is therefore important that young people who are prescribed it get the support they need when under prescription. We are terribly good at ensuring that young girls who are taking that drug go on the pregnancy prevention programme, but terribly bad at ensuring that the young men who take it get the support they need to get through low mood swings and the depression that some—I am quick to emphasise, not all—feel.

The Women and Equalities Committee last year conducted our inquiry into body image and the pressures that young people face. Of the evidence that we took, particularly from witnesses put forward by Changing Faces, two stick out in my mind. Tatyana, who was a burns victim when she was a very small child—she was at primary school when she was disfigured—gave us the most incredible evidence, in which she spoke about the importance of being open and talking about her skin condition.

Tatyana also spoke about the importance of role models. Pretty much everybody we see on social media today—those influencers of young people—is seen through a filter, so they look perfect at all times, yet young

people look in the mirror and do not see that same perfection. Tatyana drew attention to Katie Piper, who she said was the only person she saw in public with visible burns who she could hold up as a role model. She said that she talks about it because she wants that young boy or young girl in their bedroom to see somebody who looks like them who is prepared to speak up publicly and ensure that other people have the courage to take part in everyday life.

I conclude with a plea from Changing Faces, which provides a brilliant, charity-run service that includes its skin camouflage clinic and one-to-one counselling support. Changing Faces would love to work with the Government. My plea to the Minister is: please, go and talk to the people there, listen to the lessons that they have learnt and the support that they can give, and work out how we can bring them into the NHS and help clinical commissioning to ensure that the psychological support is available for those who need it.

5.34 pm

Jim Shannon (Strangford) (DUP): I congratulate the right hon. Member for Gainsborough (Sir Edward Leigh) on securing this debate. I want to focus on that issue of major importance to which he referred: mental health. As my party's health spokesperson, I am keen that these issues are addressed. Skin is always completely visual. For young people in particular, looks can seem like the most important thing, which is why it is crucial that we recognise skin conditions that are normal and those that are not. We have 4,000 skin cancer deaths annually in the UK.

The reason I am interested in this subject is that my second son was born with psoriasis. He had to have cream three times a day. The doctor told us that although he would grow out of the psoriasis—and he did—he would then develop asthma. He did develop asthma, but he is now married to Ashleigh, and they have two boys, Austin and Max—life has changed for him. I remember that when he was at school it was terrible for him; all over his skin was a rash. My wife was the person who looked after him, but that is what happened.

In Northern Ireland, in my constituency alone, we have 2,713 people who suffer from inflammatory skin disease. It is really important that the issues are taken onboard. Some 4,351 people develop skin cancer each year, and around 300 of those cases involve malignant melanomas. It is crucial that there is special psychological care to deal with the impact of skin problems, to help people to cope and to ensure that the condition does not worsen. The right hon. Member for Gainsborough referred to the fact that 18% of people suffering with skin conditions have received some form of psychological support—that is really important. They have to learn how to live with it, as well as learning how to deal with it. As I have said before, young people are growing up in a world where looks seem like everything, and we must do more for them.

5.36 pm

Steven Bonnar (Coatbridge, Chryston and Bellshill) (SNP): It is a pleasure to serve under your chairmanship, Mr Gray. I congratulate the right hon. Member for Gainsborough (Sir Edward Leigh) on securing this debate on such an important matter, and for informing us all so much through his excellent contribution. Millions of

people across Scotland and the UK suffer from skin conditions, which can have a devastating impact on a person's mental health. The skin is the most noticeable part of our body that could be impacted by psychological factors, yet very few psychologists are researching it. It is classic health psychology, just in a different area. It may seem purely aesthetic to the unaffected, yet the impact goes much deeper, as we have heard.

Skin conditions can be extremely distressing. They can affect all aspects of people's lives, from schooling, relationships, self-esteem and career prospects to social and leisure activities. Unlike hypertension, diabetes or other health problems, skin problems are usually obvious to any onlookers. That can lead to feelings of isolation, embarrassment, depression or anxiety. People may have psychological reactions that seem out of proportion to their actual skin complaint. Around a quarter of the UK population consult a GP every year for a skin complaint, the most common being for stress caused by the complaint. Despair and other psychological issues can exacerbate the skin problem, creating a vicious spiral.

Acne, psoriasis, eczema and hives are just a few of the dermatological conditions that have been scientifically proven to be exacerbated by stress. Psychodermatology treatment is becoming more accepted among dermatologists, and psychologists are becoming more involved in assisting dermatology patients. Dermatologists and other skin experts are still researching the role of stress and other psychological factors on skin conditions. They are also working on therapies to help dermatology patients deal with the mental health difficulties associated with their conditions.

We heard the hon. Member for York Central (Rachael Maskell) speak about her constituent's issue, as well as about women's health more broadly. My hon. Friend the Member for Bracknell (James Sunderland) spoke about the number of people impacted by mental health issues compounded by their skin condition, such as eczema or psoriasis. Despite all that, there is still a gap in services available for people experiencing distress. A report released in September 2020 by the all-party parliamentary group on skin, undertook some fantastic research and found that many primary healthcare professionals lacked access to dermatological training—even fewer are trained to support patients with the psychological effects of these conditions. We may miss critical signs of distress if primary healthcare providers lack the expertise to conduct a psychological evaluation.

According to the British Skin Foundation, 70% of people across the UK have noticeable skin disorders or scarring that will lower their self-esteem. For example, psoriasis is an illness that primarily affects the skin, and occasionally the joints through psoriatic arthritis. It presently affects between 2% and 3% of the UK population, which is over 2 million people. Psoriasis can have a significant and sometimes catastrophic psychological impact, causing anxiety and depression. Despite that, there is a lack of resources to help persons with inflammatory skin feel less stigmatised. I am myself a psoriasis sufferer, and fully understand the implications of the condition and the effect it can have on a person's self-confidence. I developed psoriasis in my teens: it is a genetic, hereditary disease, passed on to me from my mother. In fact, my granddad, my mum, my auntie Anne, and now myself have all been long-term sufferers.

[Steven Bonnar]

The damage that this condition can cause does not simply arise from the impacts on a person's skin, many though they can be. I am maybe fortunate that my psoriasis manifests mainly on my scalp and head: I often jest that as long as I keep hold of my hair, I should be okay. However, I have also seen first hand the impacts of severe and extreme breakouts resulting in hospitalisation, and have touched on the stress and anxiety of sufferers, none more so—in my opinion—than that of the parent watching their child growing, hoping against hope that they will not have unwillingly passed their condition on to their children. My 13-year-old has so far been unaffected, but that seems to be by the grace of God.

I put on record my thanks to NHS Scotland for its continued work in this field, which has been made possible by the Scottish Government boosting mental health spending by over 65% in the past year alone. I am sure that Members will agree that the mental health consequences of skin diseases are vast, and that as a morally responsible society, we must do more to combat those effects.

5.41 pm

Karin Smyth (Bristol South) (Lab): It is a pleasure to serve under your chairmanship, Mr Gray, and I commend the right hon. Member for Gainsborough (Sir Edward Leigh) both on having secured this debate and on his ongoing work in, and commitment to, this area. He introduced his comments by saying that yet again, he had had more ridicule through an email, which is appalling. He stands up for people, and I am sure that that is well appreciated by fellow sufferers.

The APPG's report is very powerful. It is very sobering that, despite similar reports in 2003 and 2013, so little has changed for people suffering from these conditions, both from childhood and among adults and people who are older. The link between skin conditions and deterioration of emotional and psychological wellbeing are well documented, and have been for some time. As we have heard said so eloquently this afternoon, people with skin conditions report that they have experienced social isolation, stigmatisation, depression, anxiety and in some cases suicidal thoughts and, indeed, action. There is also strong evidence to suggest that, although people with skin conditions have much higher rates of common mental health conditions, they struggle to access psychological support. Members have given some very good examples from among their constituents. This is particularly prevalent in children, as the hon. Member for Bracknell (James Sunderland) discussed. The APPG's survey found 98% of respondents stating that their condition impacts their mental health, and only 18% saying that they could access support.

The rise of social media has exacerbated these problems. As my hon. Friend the Member for Swansea East (Carolyn Harris) has said, children and young people with these conditions are particularly reporting bullying and being mocked on social media, all of which we obviously condemn. We cannot disagree with all the evidence that has been presented today—the reports and recommendations on what is needed to support people. It is very clear, Minister: we need to improve access to specialist support, improve training and awareness through the health service, commission more psychodermatology

services, improve staffing, support further research, and encourage further integration between psychology, psychiatry and dermatology. The Government need to do much more to support these people, particularly those who are battling through the primary and secondary care interface—I am particularly thinking about parents who are trying to do so. The IAPT service, with which I have worked in my previous career with the health service, offers a route through. However, as all of us know from our constituencies, IAPT is heavily over-subscribed and really struggling with current caseloads.

In the final few moments of my speech, I will pick up on the issue of teledermatology. Although people over the past 20 years might not have experienced much difference in services, the world has changed quite considerably in those 20 years. A decade ago, I was a commissioner for a primary care trust—now they are CCGs—of a teledermatology service, encouraging GPs to use that service as a way of supporting them, providing better link-in to secondary specialist care, and ultimately providing a better, quicker, more responsive service to local people, particularly for parents who can sit with children and avoid trips into hospital. It was clinically led, working with the private sector, new technology and willing GPs, and it was innovative. It was incredibly hard to achieve: at some point, I may share my stories of trying to implement a new service in the NHS. It is not easy, because new practice is always hard to achieve and savings and effectiveness are hard to demonstrate.

Although as we have heard, covid has made the situation much worse for many people, the pandemic has provided a catalyst for some rethinking of how we deliver services. Though I heed the warning in the report—also made by hon. Members today—about the loss of face-to-face services and about how important those are, I think that we can learn some lessons. With waiting lists at 6 million people and rising rapidly, I wonder how the Government will make developments in this area, as well as in many others, without thinking about more radical approaches, while clearly bringing people with them. Technology and digital access provide some of the solutions.

I have a number of questions for the Minister. Given the clarity of the evidence, will she outline how she would support embedding innovation and the lessons of the pandemic to create a more responsive, faster and better service? Will she outline how she will work with her counterparts in the Department for Digital, Culture, Media and Sport to deal with online bullying about skin conditions, which we have also talked about today? It would be helpful to understand the Government's strategy on employing and training more psychodermatologists and, indeed, how the Minister will support GP training so that GPs understand the effect on people's mental health of skin conditions, again as has been so eloquently outlined over the past two decades.

What plans does the Department have to invest in further research into psychodermatology and the wider mental health implications of skin-related diseases, as the right hon. Member for Gainsborough mentioned? I sincerely hope that we are not all here in another decade's time, with another report from the APPG saying the same things. I am sure that we would all like to see some progress for people suffering from the mental trauma of their poor skin conditions.

5.46 pm

The Minister for Care and Mental Health (Gillian Keegan): It is a great pleasure to serve under your chairmanship, Mr Gray.

I add my thanks to my right hon. Friend the Member for Gainsborough (Sir Edward Leigh) for securing the debate. The subject is clearly important to many people in the House and to many people across the country who have skin conditions and are concerned about their mental health. I also thank my right hon. Friend for championing this cause for so many years. I am relatively new to my role, but I look forward to working with him. I thank him for sharing his story, which I am sure will have given a great deal of comfort, as well as having resonance in this debate. It is real that people suffer bullying. I was very interested to hear about Changing Faces, the visible signs and the pledge, and I am happy to hear more from the hon. Member for Swansea East (Carolyn Harris).

Skin conditions, such as acne, psoriasis—we heard the personal story about psoriasis of the hon. Member for Coatbridge, Chryston and Bellshill (Steven Bonnar)—the rosacea we heard about from my right hon. Friend the Member for Gainsborough and eczema can be complex and affect people of all ages. Many young people are affected by acne and one in 50 of us will develop psoriasis. Eczema is also very common, affecting one in five children, including me when I was younger. It can also start later in life.

Some of those conditions can be relatively minor, as in my case, and will clear up over time, but others are much more serious, causing pain and scarring and being for the long term, perhaps lifelong. Clearly, that can and will have a negative impact on a person's life, often causing stigma, discrimination and bullying. It can seriously affect their self-confidence, self-esteem and overall mental health. I understand that. I assure the Chamber that the Government are committed to supporting people with all dermatological conditions.

I note the report on “Mental Health and Skin Disease” by the all-party parliamentary group. I will be happy to attend the group on occasion. I acknowledge that the need for specialist mental health support for people suffering with often debilitating long-term skin conditions was raised as a particular issue, as has been discussed. As my right hon. Friend the Member for Gainsborough stated, the mental health issues faced by people living with skin conditions can be severe, in particular when people are not getting the treatment they need—or waiting for more than a year, as he outlined. Obviously, the longer someone waits, the worse the condition often gets. I reassure my right hon. Friend that mental health and ensuring that people get the treatment that they need will continue to be a priority for the Government.

We are committed to achieving parity between mental and physical health services, and to reducing mental health disparities. We know that we are not there yet, but we are committed to that. We are making good progress, however, with investment in NHS mental health services continuing to increase each year from almost £11 billion in 2015-18 to more than £14 billion in 2020-21. We are investing at least £2.3 billion of extra funding a year in expanding and transforming our mental health services by 2023-24.

Some people with dermatological conditions will be on a long-term condition pathway, due to the nature of their illness, such as cancer, including skin cancer. In these cases, the team responsible for the patient's physical health should discuss and review the patient's emotional and psychological status regularly and support them, through access to information and services for their mental health if needed.

Commissioners are encouraged to ensure that local pathways include assessment and ongoing support of patients' mental and psychological wellbeing and cognitive status. They should also ensure that health practitioners have ongoing training—a number of Members mentioned that—to understand the emotional, cognitive and psychological needs of patients. We have continued to expand our flagship talking therapies programme—a number of hon. Members welcomed that. The improving access to psychological therapies—IAPT—programme for all adults with common mental health problems has been accessed by more than 1 million people in 2020 and 2021. We have expanded the programme to help people with their mental health and long-term conditions, including dermatological conditions.

A person's mental and physical health are intrinsically linked—they are in one place, in one person. People with long-term physical health conditions, such as dermatological ones, may also need emotional and psychological support. Conversely, two thirds of people with anxiety and depression have a long-term physical health problem—the two go hand in hand. Integrating psychological therapies with physical health services can provide better support to this group of people and achieve better outcomes. That is something we discuss regularly when talking about integration and the new integrated care systems, as one of the benefits of taking that approach. It is also why we have expanded our IAPT programme to include an integrated approach for people with mental health as well as long-term conditions.

All clinical commissioning groups are expected to commission IAPT services, integrated into physical care pathways, as part of their IAPT expansion plans locally. That should bring together mental and physical health providers so they can work in a co-ordinated way to achieve the best outcomes for all people irrespective of their diagnosis. While there is some excellent practice of services offering talking therapies for people with dermatological conditions, such as those in Southampton mentioned by my right hon. Friend the Member for Romsey and Southampton North (Caroline Nokes), I acknowledge that that may not be the case in every area, but IAPT services are continuing to grow and develop all over the country.

I would like to take the opportunity to remind people that IAPT services are accessible to all adults in England. I fear there is low awareness of the understanding that people can self-refer to IAPT. They do not have to wait for a GP, although that is one route, and can self-refer to IAPT. We have also launched a “Help!” campaign, accompanied by The Beatles music, which is raising awareness so people know they can access those services. They can be referred by a range of practitioners in the community or by primary care, but they can also refer themselves. They will receive a person-centred assessment that covers the person's mental health problems and acknowledges the impact of their long-term condition.

[Gillian Keegan]

Clear pathways and processes should be in place to enable a person to progress between those services and existing pathways.

As mentioned by my hon. Friend the Member for Bracknell (James Sunderland), I acknowledge the impact of the covid pandemic and the excellent work going on in mental health services to respond to the pandemic. The past two years have been really tough. There has been a lot of innovation, as the hon. Member for Bristol South (Karin Smyth) said. We need to take that innovation and embed it in the services. There has been unprecedented demand on mental health; it was growing anyway, but the pandemic has accelerated demand. They are doing their utmost to make sure that services are there for everyone who needs them—for patients and our NHS colleagues who have been on the frontline— but services have been strained and it is harder for people to get an appointment at times. That is why, in addition to our long-term plan commitments, as part of the Government's commitment to build back better, we have published our mental health recovery action plan, backed by an

additional £500 million for this financial year, to ensure we have the right support in place and that we embed that innovation to access more people.

The plan aims to respond to the impact of the pandemic on the mental health of the public, specifically targeting groups who have most been affected—young people and children, clearly, are in that group. That investment and expansion of mental health services will help to address the needs of those people with long-term conditions, as well as other people in need of support. To deliver on our commitments, we need to ensure we have the workforce available. That is important but it takes time to deliver and that impedes our progress. It is vital that we have the right skilled workforce in place; we have improved that and we will continue to improve it.

Question put and agreed to.

Resolved,

That this House has considered skin conditions and mental health.

5.55 pm

Sitting adjourned.

Written Statements

Tuesday 25 January 2022

CABINET OFFICE

Government Cyber Security Strategy

The Chancellor of the Duchy of Lancaster and Minister for the Cabinet Office (Steve Barclay): Further to my statement to the House on Wednesday 15 December on the National Cyber Strategy (HCWS484), I am pleased to announce the publication of the Government Cyber Security Strategy. This will deliver on the public sector resilience aspects of the national strategy which is critical to realising our ambitions as a cyber power.

Government have made significant progress in the last five years. The introduction of the minimum cyber-security standards for Government in 2018, and the underpinning annual “health check”, signalled clear requirements for cyber-security controls and behaviours and improved Government’s understanding of their cyber-security posture. Yet, while Government’s recognition and understanding of cyber-security risk has evolved, it has also highlighted the gap between where Government cyber resilience is now and where it needs to be.

As such, the Government Cyber Security Strategy sets out the vision that core Government functions are resilient to cyber-attack, strengthening the UK as a sovereign nation and cementing its authority as a democratic and responsible cyber power. The measurable aim is for these critical functions to be significantly hardened to cyber-attack by 2025, with all Government organisations across the whole public sector being resilient to known vulnerabilities and attack methods no later than 2030.

A copy of the Government Cyber Security Strategy will be deposited in the Libraries of both Houses.

[HCWS558]

WORK AND PENSIONS

Diffuse Mesothelioma Payment Scheme Levy

The Minister of State, Department for Work and Pensions (Chloe Smith): The Diffuse Mesothelioma Payment Scheme (Levy) Regulations 2014 require active employers’ liability insurers to pay an annual levy, based on their relative market share, for the purpose of meeting the costs of the Diffuse Mesothelioma Payment Scheme (DMPS). This is in line with the insurance industry’s commitment to fund a scheme of last resort for persons diagnosed with diffuse mesothelioma who have been unable to trace their employer or their employer’s insurer.

Today I can announce that the total amount of the levy to be charged for 2021-22, the eighth year of the DMPS, is £22.0 million. The amount will be payable by active insurers by the end of March 2022.

Individual active insurers will be notified in writing of their share of the levy, together with how the amount was calculated and the payment arrangements. Insurers should be aware that it is a legal requirement to pay the levy within the set timescales.

I am pleased that the DMPS has seen seven successful years of operation, assisting many hundreds of people who have been diagnosed with diffuse mesothelioma. The seventh annual report for the scheme, along with the annual statistics were published on 29 November 2021 and is available on the www.gov.uk website. I hope that Members of both Houses will welcome this announcement and give the DMPS their continued support.

[HCWS557]

Ministerial Corrections

Tuesday 25 January 2022

EDUCATION

Education (Careers Guidance in Schools) Bill

The following is an extract from debate on the Education (Careers Guidance in Schools) Bill on Friday 14 January 2022.

Alex Burghart: Turning to amendment 2, the Bill seeks to exempt 16 to 18-year-olds from the provision of guidance on options available for 16 to 18 education or training, including apprenticeships. That guidance is thought to be unnecessary, as 16 to 18-year-olds who are not in compulsory schooling will have already chosen their post-16 options. If we adopted this amendment, schools would be obliged to provide 16 to 18-year-olds with guidance on post-16 education or training options, which might simply waste their time and schools' resources. In fact, that exemption—it must be noted—is already in force through the Careers Guidance in Schools Regulations 2013, so the Bill simply seeks to move what we have previously had **in guidance** into primary legislation: it is more of a tidying-up exercise.

[Official Report, 14 January 2022, Vol. 706, c. 777.]

Letter of correction from the Under-Secretary of State for Education, the hon. Member for Brentwood and Ongar (Alex Burghart).

An error has been identified in my response to my hon. Friend the Member for Christchurch (Sir Christopher Chope).

The correct response should have been:

Alex Burghart: Turning to amendment 2, the Bill seeks to exempt 16 to 18-year-olds from the provision of guidance on options available for 16 to 18 education or training, including apprenticeships. That guidance is thought to be unnecessary, as 16 to 18-year-olds who are not in compulsory schooling will have already chosen their post-16 options. If we adopted this amendment, schools would be obliged to provide 16 to 18-year-olds with guidance on post-16 education or training options, which might simply waste their time and schools' resources. In fact, that exemption—it must be noted—is already in force through the Careers Guidance in Schools Regulations 2013, so the Bill simply seeks to move what we have previously had into primary legislation: it is more of a tidying-up exercise.

TREASURY

Finance (No. 2) Bill

The following is an extract from the Finance (No. 2) Bill debate on clause 94 on 11 January.

Lucy Frazer: Legal interpretation tax losses arise when businesses take a different view from HMRC of how the law should be applied, resulting in a different tax outcome. This issue has proven stubborn and difficult to tackle. Disputes often arise late in the day and are not

identified in time for formal compliance enquiries to be undertaken, resulting in irrecoverable losses to the Exchequer. The new notification requirement will tackle the legal interpretation tax gap in a well-targeted and proportionate way, raising **£150 million** over the next five years, while driving positive behavioural change.

[Official Report, Finance (No. 2) Public Bill Committee, 11 January 2022, Vol. 706, c. 106.]

Letter of correction from the Financial Secretary to the Treasury:

An error has been identified in my statement.

The correct information should have been:

Lucy Frazer: Legal interpretation tax losses arise when businesses take a different view from HMRC of how the law should be applied, resulting in a different tax outcome. This issue has proven stubborn and difficult to tackle. Disputes often arise late in the day and are not identified in time for formal compliance enquiries to be undertaken, resulting in irrecoverable losses to the Exchequer. The new notification requirement will tackle the legal interpretation tax gap in a well-targeted and proportionate way, raising **£130 million** over the next five years, while driving positive behavioural change.

Rebated Fuel Rules: Construction Industry

The following is an extract from the Westminster Hall debate on Rebated Fuel Rules: Construction Industry on 19 January 2022.

Helen Whately: Despite diesel being one of the most polluting fuels that vehicles and machinery can use, red diesel benefits from a significant duty discount—a duty rate of around 11p compared with almost **68p per litre** on standard diesel. That really is significant. As a consequence, businesses using red diesel pay far less for the harmful emissions they produce than individual car owners. The tax changes that we are introducing in April mean most current users of red diesel in the UK will instead be required to use diesel taxed at the standard fuel duty rate like motorists, which more fairly reflects the harmful impact of the emissions that are produced.

[Official Report, 19 January 2022, Vol. 707, c. 165WH.]

Letter of correction from the Exchequer Secretary to the Treasury:

An error has been identified in the response I gave to the debate on Rebated Fuel Rules: Construction Industry.

The correct statement should have been:

Helen Whately: Despite diesel being one of the most polluting fuels that vehicles and machinery can use, red diesel benefits from a significant duty discount—a duty rate of around 11p compared with almost **60p per litre** on standard diesel. That really is significant. As a consequence, businesses using red diesel pay far less for the harmful emissions they produce than individual car owners. The tax changes that we are introducing in April mean most current users of red diesel in the UK will instead be required to use diesel taxed at the standard fuel duty rate like motorists, which more fairly reflects the harmful impact of the emissions that are produced.

WOMEN AND EQUALITIES**Science, Technology, Engineering and Maths**

The following is an extract from Education oral questions on 12 January 2022.

Alex Burghart: Between 2010 and 2020, under this Conservative Government, the number of women accepted on to full-time STEM undergraduate courses in the UK has increased by 49%.

[Official Report, 12 January 2022, Vol. 706, c. 553.]

Letter of correction from the Under-Secretary of State for Education, the hon. Member for Brentwood and Ongar (Alex Burghart).

An error has been identified in my response to my hon. Friend the Member for Stourbridge (Suzanne Webb).

The correct response should have been:

Alex Burghart: Between 2010 and **2021**, under this Conservative Government, the number of women accepted on to full-time STEM undergraduate courses in the UK has increased by 49%.

ORAL ANSWERS

Tuesday 25 January 2022

	<i>Col. No.</i>		<i>Col. No.</i>
FOREIGN, COMMONWEALTH AND DEVELOPMENT OFFICE	829	FOREIGN, COMMONWEALTH AND DEVELOPMENT OFFICE—continued	
Afghanistan: Humanitarian Situation.....	831	Supporting Democracy	833
Iran: British Detainees	841	Topical Questions	843
Middle East	829	Ukraine: Diplomatic Efforts	837
Northern Ireland Protocol: Dispute Resolution.....	836	Yemen	842
Security Partnerships	840		

WRITTEN STATEMENTS

Tuesday 25 January 2022

	<i>Col. No.</i>		<i>Col. No.</i>
CABINET OFFICE	23WS	WORK AND PENSIONS	24WS
Government Cyber Security Strategy	23WS	Diffuse Mesothelioma Payment Scheme Levy.....	24WS

MINISTERIAL CORRECTIONS

Tuesday 25 January 2022

	<i>Col. No.</i>		<i>Col. No.</i>
EDUCATION	7MC	TREASURY—continued	
Education (Careers Guidance in Schools) Bill.....	7MC	Rebated Fuel Rules: Construction Industry	8MC
TREASURY	7MC	WOMEN AND EQUALITIES	9MC
Finance (No. 2) Bill	7MC	Science, Technology, Engineering and Maths	9MC

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**not later than
Tuesday 1 February 2022**

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CONTENTS

Tuesday 25 January 2022

Oral Answers to Questions [Col. 829] [see index inside back page]
Secretary of State for Foreign, Commonwealth and Development Affairs

Downing Street Parties: Police Investigation [Col. 849]
Answer to urgent question—(Michael Ellis)

Ukraine [Col. 861]
Statement—(Prime Minister)

Consumer Protection (Double Charging) [Col. 881]
*Motion for leave to bring in Bill—(Huw Merriman)—agreed to
Bill presented, and read the First time*

Judicial Review and Courts Bill [Col. 884]
*Programme motion (No. 2)—(Amanda Solloway)—agreed to
As amended, considered; read the Third time and passed*

Down Syndrome Bill: Money [Col. 972]
Motion—(Craig Whittaker)—agreed to

Petitions [Col. 973]

Environment Agency and Bromford Estate [Col. 975]
Debate on motion for Adjournment

Westminster Hall
Cost of Living [Col. 259WH]
Tourette's syndrome [Col. 283WH]
Early Years Educators [Col. 289WH]
Cyber-flashing [Col. 316WH]
Skin Conditions and Mental Health [Col. 322WH]
General Debates

Written Statements [Col. 23WS]

Ministerial Corrections [Col. 7MC]

Written Answers to Questions [The written answers can now be found at <http://www.parliament.uk/writtenanswers>]
