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**HOUSE OF COMMONS  
OFFICIAL REPORT**

**PARLIAMENTARY  
DEBATES**

**(HANSARD)**

**Friday 15 July 2022**

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# House of Commons

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

## PRAYERS

*The Chairman of Ways and Means took the Chair as Deputy Speaker (Standing Order No. 3).*

**Mark Jenkinson** (Workington) (Con): I beg to move, That the House sit in private.

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

## Neonatal Care (Leave and Pay) Bill

*[Relevant documents: First Report of the Petitions Committee, Session 2019-21, The impact of Covid-19 on maternity and parental leave, HC 526, and the Government response, HC 770 First Report of the Petitions Committee, Session 2021-22, Impact of Covid-19 on new parents: one year on, HC 479, and the Government response, HC 1132 e-petition 606011, Introduce neonatal leave and pay entitlement immediately.]*

*Second Reading*

9.34 am

**Stuart C. McDonald** (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): After such a smooth start, it is good to see you in your place, Madam Deputy Speaker. It provides me with an opportunity to thank you for and congratulate you on your flawless oversight and running of the private Members' Bill ballot. Indeed, you showed impeccable taste even when picking numbers out of the hat. Seriously, however, you can be very pleased with the range of Bills before Parliament today.

I also welcome the new Minister, the Under-Secretary of State for Business, Energy and Industrial Strategy, the hon. Member for Loughborough (Jane Hunt), to her place and wish her well. I was grateful to meet her predecessor and his officials to discuss the Bill and work together on it, and I appreciate the new Minister having ensured that that work can continue in the week since her appointment. I hope that she is as enthusiastic about this Bill as both her predecessor and I am—I am sure she will be and, from our first discussions, I know that she definitely is.

We should all be enthusiastic about this brilliant Bill, which I know will make such a huge difference to tens of thousands of families each and every year. That is because it paves the way for the introduction of neonatal care leave and pay. I am grateful to all the hon. Members in the Chamber for being here to consider this proposal and, I very much hope, to support it. We will never be able to get rid of the stress, anxiety, doubts, questions and trauma that so many families experience when their baby is in neonatal care, but what we can and must do is help to relieve some of the practical and financial challenges that accompany that experience.

**Hannah Bardell** (Livingston) (SNP): I am delighted to see the Bill come to the Floor of the House, and I know that other hon. Members have sought to bring it previously and have done a huge amount of work in this area. I hope that the Government put their full

weight behind it. My constituent Coady Dorman does a lot of work with Bliss, as my hon. Friend will know. She had a premature son, Matthew. He is now thriving, but she spoke about the months she spent going to see him in neonatal care and how different the experience was, and how different maternity leave was after that. She told of the stress and strain of having to worry about money all during that time. My hon. Friend's Bill will, we hope, take away some of that stress.

**Stuart C. McDonald:** I am grateful to my hon. Friend for that intervention. Hearing about those experiences is precisely what has prompted my bringing this Bill forward today. Campaigns groups such as Bliss and The Smallest Things, which I will come to in a moment, have really driven this forward. As she alluded to, there are Members in the Chamber today with personal experience of having a baby in neonatal care, which makes them the best advocates for this cause so I am grateful for their participation. Many of them, such as my hon. Friends the Members for Glasgow East (David Linden) and for Paisley and Renfrewshire North (Gavin Newlands), and the hon. Member for Thornbury and Yate (Luke Hall), have been passionate and articulate campaigners for reform for a considerable time.

I am pleased to say that we are joined in the Gallery today by people from Bliss and The Smallest Things, representing families who have direct experience of the challenges around neonatal care; I am immensely grateful to them and so many other organisations and individuals for their help and support in taking this Bill forward and for the campaign they have been driving since long before I was elected to this place. I hope that the families with lived experience of neonatal care who are watching today will be satisfied that we have represented the issues they have faced, and are facing now, with the careful consideration and compassion they deserve.

The Office for National Statistics reports that an estimated 100,000 babies every year across the UK are admitted to neonatal care following their birth. Many of those babies spend prolonged periods of time on a neonatal care unit in a hospital as a result of being born prematurely or with other health conditions. That is, of course, an incredibly worrying and stressful time for parents, and their extended families. All our hearts go out to everyone who has found themselves in that position. Parents will naturally want to be able to focus their attention simply on getting through that period, supporting each other and their newborn. There is an emotional imperative to be with their babies, but there is also a practical one: those vulnerable, little children need their parents, and those parents need to be with their wee ones. As the charity Bliss has highlighted,

“parental presence on a neonatal unit is essential. Babies have the best developmental outcomes when their parents can deliver hands-on care.”

However, some families struggle to do that while keeping in employment and earning a living. Fathers get two weeks of statutory paternity leave. That is good, but when those two weeks run out, they must be called back to work while their baby is still in hospital. How can any parent be expected to focus at work while their sick baby is undergoing life-saving, life-changing neonatal care?

When babies have an extended stay in hospital at the start of their life, mothers report that 39 weeks of paid maternity leave does not give them enough time.

[*Stuart C. McDonald*]

That gets used up during the neonatal care and they do not feel that they have enough time at home with their baby before they need to go back to work. Some mothers may choose to leave work as a result. Indeed, research by The Smallest Things shows that one in 10 mothers were not able to return to work due to the ongoing needs of their babies who had required neonatal care.

That research also highlights two incredibly concerning statistics, which are perhaps unsurprising given the emotional trauma of a baby being born premature or sick. The charity reports that 77% of parents said they experienced anxiety after neonatal care, and that nearly a quarter had been diagnosed with post-traumatic stress disorder after neonatal intensive care. In short, The Smallest Things concludes that we need to strengthen the statutory rights and support offered to these parents because that

“would give parents the emotional and financial support needed at a time of great stress and trauma – in turn leading to better postnatal health, a more positive return to work and better outcomes for children born prematurely.”

**Carol Monaghan** (Glasgow North West) (SNP): I commend my hon. Friend for bringing forward this really important Bill. I got in a taxi the other day that was driven by one of his constituents who said that his baby had spent nearly three months in hospital having been born prematurely. His employer was not at all helpful, so he had to go back to work after his two weeks’ paternity leave. It was incredibly stressful—everything my hon. Friend is talking about rings really true—and he ended up having to leave that employment because being with his wife and baby was far more important. That is why the Bill is so important for families.

**Stuart C. McDonald:** I am grateful to my hon. Friend. There are employers out there who already provide this support for their employees, and they are to be commended. Unfortunately, though, as we have heard, there are too many who do not. Sometimes fathers are forced to use sick pay for extended periods, which is far from ideal, and on other occasions, as we have just heard, people are forced back to work.

At an incredibly distressing time when these families need each other the most, we should be doing what we can to support them and allow them to spend that precious and vital time with their babies. As Bliss has highlighted, the main reason why parents on maternity leave return to work before they are ready, and why parents taking paternity leave return to work while their baby is still in neonatal care, is financial pressure.

Bliss estimates that the additional cost of a neonatal stay is around £250 per week by the time we factor in travel costs, buying food and drink at the hospital, extra childcare, and even accommodation costs if the hospital is far from home. That is obviously a significant financial burden, and I am very glad that it was recognised by the Scottish Government when they established the neonatal expenses fund—now the young patients family fund—in 2018.

The Bill will create a new statutory leave and pay entitlement for the parents of babies receiving neonatal care. Employed parents who find themselves in this immensely challenging situation in the future will know that, as a minimum, they are entitled to time off work

to care for their babies, and that they will not suffer any repercussions as a result. Crucially, the Bill will allow parents to have protected time off work to care for their children at such a difficult time.

**Darren Henry** (Broxtowe) (Con): I thank the hon. Gentleman for bringing the Bill forward. I want to express how I much I support what he is trying to do. As somebody who was employed when my wife, who is also a constituent of Broxtowe, had our twin children, who were six weeks premature and one of whom spent three weeks in neonatal care, I strongly support the hon. Gentleman’s Bill.

**Stuart C. McDonald:** As I said, the best arguments come from those with direct experience—they are the most powerful advocates—so I am really grateful to the hon. Gentleman for staying behind this morning and lending his support.

As I said in response to the intervention from my hon. Friend the Member for Glasgow North West (Carol Monaghan), there are some brilliant, supportive and flexible employers out there, such as those who are signed up to The Smallest Things’ “Employer with Heart” charter. I take this opportunity to commend them and ask them to continue to support their employees when these circumstances occur. However, we all know that there are employers who are not as forward thinking—some cannot afford to be—and it is those employers, and the parents who work for them, that we will need particularly to consider when introducing the provisions of the Bill. In short, that is why neonatal care, leave and pay entitlement is not just desirable, but essential to protect and support parents at this very difficult time.

Let me explain to the House in a bit more detail what the Bill and the powers it sets up are designed to achieve. Much of the framework and terminology borrows from other related statutory rights ensuring consistency, compatibility and, hopefully, ease of implementation. I am grateful to parliamentary counsel for their work in drafting the Bill to reflect the important policy goals. Neonatal care, leave and pay will apply to parents of babies who are admitted into hospital at the age of up to 28 days and who have a continuous stay in hospital or in other agreed care settings of seven full days or more. It is intended that eligible parents will be able to take up to 12 weeks of paid leave on top of their other parental entitlements, such as maternity or paternity leave. Neonatal care leave will be a day one right—available to an employee from their first day in a new job. Statutory neonatal care pay, like other family-related pay rights, would be available to those employees who meet continuity of service and a minimum earning test.

Parents will have an entitlement to up to 12 weeks of neonatal care leave—one week for every week that the child spends in neonatal care. That leave will be protected, and a person should not suffer any form of detriment due to taking that leave. As I have said, statutory neonatal care pay will be available to employees who meet continuity of service and minimum earnings tests, and it will be paid at the statutory rate, which is currently £156.66 or 90% of the employee’s average wages, whichever is lower, and that should be uprated in line with increases to statutory payments. That mirrors the existing family leave in pay provisions such as paternity, shared parental, adoption and maternity pay after the first six weeks. Employers will be able to reclaim spending on neonatal pay in a manner similar to other statutory payments.

It is expected that some parents, such as fathers who have only two weeks of paternity leave, may want to take their neonatal leave while their child is still in neonatal care. However, once maternity leave commences, a mother cannot stop it to take neonatal care leave, or she will lose her remaining maternity leave rights. Neonatal care leave will therefore be flexible so that mothers can add it to the end of their maternity leave and other forms of parental leave that they may be entitled to. That flexibility allows an employee to take the leave at a time that best suits them when their child is receiving or has received neonatal care. With that in mind, the Bill provides for the window of time within which neonatal care leave can be taken to be set out in regulations. That will be a minimum of 68 weeks following the child's birth, ensuring that mothers and fathers have sufficient time to take their neonatal care leave alongside other leave rights that they may be entitled to, rather than having to lose out on any such entitlements.

I do not aim to persuade Members that every single aspect of the design of the scheme is perfect—of course there are arguments that it might not be. There are debates to be had about statutory rights and entitlements and support for the self-employed or workers who are not technically employees. We can debate whether neonatal pay, like leave, should be a day one right. Some might ask whether we should raise levels of statutory entitlements. While 12 weeks of leave and pay will cover the overwhelming majority of cases, others might ask if we can go further.

First, it is important to remember that the Bill and the regulations will set out minimum standards for neonatal leave and pay. Employers can and do already go beyond them, and we encourage them to continue to do that. In any event, while those are all fair questions and issues, they are for another day and relate to statutory rights more generally, not the principle behind introducing this new right.

Today, I hope we will take a significant step forward in expanding the range of statutory family rights to leave and pay—a step that will make a big difference to tens of thousands of families every year for generations to come. There is overwhelming support for this change from families, trade unions, health professionals and employers, and Members of Parliament from all corners of the House support it, too. Indeed, it is a rare and remarkable Bill that will at one and the same time deliver on a specific manifesto commitment of the Conservative party and the SNP.

No more should we be leaving parents to use up maternity and paternity leave travelling great distances to a neonatal ward. There should be no more forcing fathers back to work after two weeks with their newborn still on a ventilator, separating families at a crucial time, no more leaving mum to cope on a neonatal ward facing significant decisions alone and no more depriving babies in neonatal units of the support of both their parents. There should be no more making parents choose unnecessarily between being with their newborn baby in hospital and being able to secure an income through work. This Bill will help thousands of parents each year to spend more precious time with their premature and sick babies, so we need this Bill to succeed for them.

To conclude, I hope that hon. Members on both sides of the House share my desire to ensure that the Bill succeeds. Collectively, we have an opportunity to effect real change. It is our duty to ensure that those who will have to rely on such provision are fully able to do so.

9.49 am

**Luke Hall** (Thornbury and Yate) (Con): I am genuinely delighted to rise to support the Neonatal Care (Leave and Pay) Bill. For me, as for other hon. Members and many families around the country, this is much more consequential than any political debate happening this week that might be receiving more attention. I could not be happier that we are here at Second Reading.

I sincerely thank the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald) for bringing forward the Bill and for introducing it in the way that he did. He spoke eloquently about some of the challenges facing parents, he outlined why the Bill is important, and he took us through some of its important elements. I know that he understands how important it is to many people. I also thank the hon. Member for Glasgow East (David Linden) for championing the Bill as chair of the all-party parliamentary group on premature and sick babies, and for helping us ensure that it got to Second Reading today.

Every year in the UK, tens of thousands of babies receive neonatal care. For the families of those babies, as we have heard, that can be life-changing. Neonatal care is the type of care that a child receives in hospital if they are born premature, at full term but with a condition or illness that needs medical attention, or with a particularly low birth weight. Rather than the families bringing their child home shortly after birth, the child is admitted to a specialist neonatal intensive care unit to receive the support that ensures that they have the best possible chance of survival—in some cases—and of quality of life.

There is a huge wealth of evidence that suggests that the more time that a parent spends with their child in NICU from as early as possible, the better their chances and outcomes. Crucially, this Bill will allow parents to take additional time off work when their child is in neonatal intensive care to ensure that they are no longer in the ridiculous and impossible position of having to choose between keeping their job or spending time with their child.

Once the Bill is enacted, neonatal leave and pay will be available to employees whose child spends more than one week on a NICU. It will provide up to 12 weeks' paid leave for qualifying parents. Currently, parents of a child in neonatal care rely on the existing statutory requirements that we have already heard about so they can be off work with their child in hospital, which means that parents spend a proportion of their maternity or paternity leave with their child in hospital.

Babies who have spent a long time in hospital after birth are, of course, at an earlier stage in their development when their parent has to go back to work compared with their peers. That is particularly challenging for lots of mothers who want to spend that extra time at home with their child and for fathers and non-child-bearing parents who often go back to work when their child is still in hospital, sometimes still on ventilation and being fed through a tube. It is completely unacceptable. All that has only ever led in one direction: reduced parental involvement, huge pressure on families and a reduced opportunity for bonding at an early stage.

**Mary Robison** (Cheadle) (Con): I am grateful to the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald) for bringing this important

[Mary Robinson]

Bill to the House. It has such great support. My hon. Friend touches on an important point. My constituent got in touch about her experience when her child was in neonatal care. Her husband forwent his parental leave until after the baby came out of hospital, so that he could spend time with the baby at home. Those missing weeks really make a difference to the bonding and matter to the parents and the child, so I welcome the Bill.

**Luke Hall:** My hon. Friend is absolutely right, because it only leads in one direction—parents being with their children less in hospital—and the main reason for that is simply that parents cannot afford to take the time off work. That is happening to the families of premature children every single day up and down the country.

For me, as for many other families and hon. Members present, this is personal. In my family's case, I remember my wife being admitted to hospital 22 weeks into her pregnancy. She was told that she could give birth at any time and that she would have to stay in hospital for the duration of her pregnancy. We had to wait day by day hoping that she would stay in hospital and the pregnancy would continue.

I remember hoping that the late-night phone calls from the hospital at 2 o'clock in the morning were bringing good news rather than bad. I remember the incredible day that he was born at just 28 weeks. He weighed 2.4 lb—he was absolutely tiny—and stayed in NICU for 72 of the longest days I could possibly describe before coming home. It is important to say this, because, for so many families of premature children, this is a very, very long journey. It does not start the day the child is born. It does not start the first day or the eighth day; it starts often months beforehand. There is a huge mental toll, as we have heard already, on parents when they are in NICU with their child. We know that the mental health of the majority of parents suffers. Of course it does.

Parents, whatever the circumstances, want to be with their children when they are born. That is completely natural, but when your child is so small and so vulnerable, it is painful to be apart from them. You just want to be there. Too many parents have to sit with their children while they are in incubation worrying about whether they can afford to pay the bus fare home. We cannot allow that to continue and this Bill will play an important part in stopping that happening.

People were delighted when numerous parties made the manifesto commitment to introduce neonatal leave and pay. I would have loved this to be delivered two years ago through a Government Bill, but—I have to be honest—that does not matter to me today. All that matters is that the Government embrace this as the opportunity to deliver this important commitment that we have made with open arms.

On the Bill itself, I want to thank the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East and the Government for the way they have worked with us so far on this. I also thank the previous Minister, the hon. Member for Sutton and Cheam (Paul Scully), who gave so much time to talk to us about finding a vehicle to introduce this. I know that the new Minister will take up the cause with equal vigour.

I want to raise a couple of points. The first is the timing of the introduction of the Bill. The normal practice would be for it to be introduced at the start of a new financial year. Back in March 2020 in the Budget, the Government committed to introduce the measure in the 2023-24 financial year and set the funding aside for it. To meet that, in what is now an incredibly challenging timescale, the Bill needs to pass through Parliament quickly. Will the Minister talk in her wind-up about the proposed introduction date and whether we can still meet the 2023 target? I believe that there is precedent for Bills getting done quickly. It is important because, if we introduce the measure in 2024 rather than 2023, we will needlessly leave thousands more parents in the situation for a year longer than is necessary.

We had conversations with the previous Minister for quite a long time about making sure that the background work continued while we tried to find a vehicle to deliver the measure. In December last year, the Minister assured me that the Department was working with HMRC and drafting the guidance for businesses, making sure that HMRC's IT systems were ready and everything else. Will the Minister update us on how that work is progressing and whether the guidance will be ready on time?

My second point is perhaps more technical and more for Committee. I saw that the qualifying period was seven days, which was completely expected, but that the seven days start the day after birth. That is a point that we can discuss later during the passage of the Bill; it seems a tiny bit at odds with some of the ways in which the neonatal care days are recorded, certainly in England—I am not sure about other parts of the UK.

Delivering neonatal leave and pay will help thousands of babies born needing neonatal care to benefit from their parents being where they should be—by their side providing the hands-on care that is so vital. It will deliver support for thousands of parents who need it during the most difficult days of their lives. I am hugely grateful to the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East for choosing this Bill and delivering it the way that he did and to the Government for backing it. The Bill is uncontroversial and has cross-party support. We have waited for it for a long time. I am hugely proud to be here to support its passage. It will help to deliver on our promise to so many families.

9.58 am

**David Linden** (Glasgow East) (SNP): I pay tribute to my hon. Friend the Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald). When I told him that he had come top of the private Member's Bills ballot, he thought that I was just someone who was interested, notwithstanding what happened earlier. It was actually because I was so keen to see this Bill come forward. This is a Bill that I sought to introduce in 2018 via the ten-minute rule. It is a testament to how generous and warm my hon. Friend is that he has been presented with this opportunity by winning the parliamentary lottery. Many of us would like to see the private Member's Bill process reformed, but I am incredibly grateful to him and will be forever in his debt that he has taken the Bill on.

Like my hon. Friend, I pay tribute to the former Minister, the hon. Member for Sutton and Cheam (Paul Scully). He and I have been discussing and meeting

about this issue. I have questioned him on the Floor of the House for a very long time about it. It became clear that, in the absence of an employment Bill, the most sensible way of dealing with it, particularly given the cross-party support we have, was to decouple it and take this as a stand-alone Bill. I am glad we are going down that route.

I would like to pay tribute to and recognise a few other people, particularly Catriona Ogilvy from The Smallest Things, and Josie Anderson and Beth McCleverty from Bliss. I have been working with them for years on this, and the fact that we are finally seeing the Bill go through the House is a point of enormous pride. It is the culmination of many years of work by not just MPs, which I will come to in a moment, but, most importantly, parents whose children are born premature or sick.

This is actually politics at its best. It is no secret that I am not a fan of this place, and I do everything every single day to try to get out of here, but if the House will indulge me for one moment, this is probably one of the best moments we have had here, because we are seeing politicians coming together, putting party politics aside and using their personal experience.

One of the reasons the all-party parliamentary group on premature and sick babies works so well is that the officers of that group all have one thing in common. It is not the fact that they are Members of Parliament; it is that they are the parents of premature and sick-born babies. I want to thank the hon. Members for Thornbury and Yate (Luke Hall) and for Sevenoaks (Laura Trott), my hon. Friend the Member for Paisley and Renfrewshire North (Gavin Newlands), and the hon. Members for Broxtowe (Darren Henry) and for Pontypridd (Alex Davies-Jones), who have come together to put party politics and indeed constitutional politics aside to ensure that we do deliver for those families.

This Bill is not particularly controversial. It is a relatively short Bill and the budget line only commits to about £15 million, as the hon. Member for Thornbury and Yate said, in the 2023 Budget, but it will have a massive impact on the families of those 90,000 to 100,000 babies who every year are born in the UK and spend time in neonatal care.

As the House will recall, both of my children—Isaac and Jessica—were born premature. In Isaac's case, we only had about 14 weeks from finding out that he was going to arrive to his coming into the world. I still remember that moment when it moved to an emergency caesarean and being whipped away to a neonatal intensive care unit, and the real worry going through that time. In both cases—for both my children—my parental leave was well up by the time we got out of hospital. In the case of my daughter Jessica, who is now three years old, she spent roughly the first year of her life on oxygen and many weeks and months in the neonatal intensive care unit.

The hon. Member for Thornbury and Yate hit the nail on the head when he talked about the mental health impact that this has on parents. I still remember vividly, and will until my dying day, watching my daughter turn blue in the incubator, with noises, alarms and lights all going off and neonatal nurses rushing in to resuscitate her. The idea that we as legislators would expect our constituents to be at work when that is happening or, worse still, to do a shift after that is something we are putting right today, because that is a historical wrong.

There is also the point that employers will not get the best out of their employees when they are sitting at work and staring into space, worrying whether or not their child is going to make it through the day. They are also not going to be in a good space when they realise that mum is back in the neonatal intensive care ward and doctors are coming round to talk about the massive consequential decisions that families have to take, while the dad, or another parent perhaps, is sitting in front of a computer in the office. That is why this is so important.

There are, as my hon. Friend the Member for Cumbernauld, Kilsyth and Kirkintilloch East has said, good employers out there already: Sony Music, Waltham Forest Council, South Ayrshire Council all have innovative policies in place. Interestingly, we have a big debate in this House about proxy voting. As far as I understand it, proxy voting still does not have provision for neonatal care leave. Although there will be a period before we can get Royal Assent, this House could get its own house in order by ensuring that we have some form of neonatal leave immediately with proxy voting.

**Hannah Bardell:** I congratulate my hon. Friend on the excellent work he has done over many years on this issue. My own chief of staff, Stephanie, had her twin girls—Abi and Jessica—during the deepest, darkest lockdown of the winter of 2020. She had the pressure of having two premature babies, being quite ill and having to go in and out of the neonatal unit. So much of what he says rings true, and I hope I did what I could as an employer, but I felt that my hands were tied by the rules of this place. I remember trying to give her all the support I could, but her partner worked offshore and had to go back offshore; he could not even be in the same place as her after that. Does my hon. Friend agree that everything he says and everything this Bill brings forward will be so important to our constituents, our staff and staff the length and breadth of the country? It should not be left up to individual businesses to make policies; this needs to be in legislation.

**David Linden:** My hon. Friend makes a good point. As well as reforming some of the issues around proxy voting in this place, which I accept impacts only a small amount of us, the Independent Parliamentary Standards Authority, which is responsible for setting many of the policies and conditions on how Members of the House employ staff, could do a lot more not just on guidance but to reform the rules.

There are a number of good employers out there—I have mentioned them already—but one thing we saw as a result of the P&O scandal is that, sadly, far too many employers are too tempted to gild the lily, cut corners and undercut their staff. I am conscious that there is cross-party consensus this morning, but I will not depart from the belief that the sooner we have an employment Bill before the House, the better so we could try to deal with some of the other issues, such as the excellent proposition on miscarriage leave made by my hon. Friend the Member for Lanark and Hamilton East (Angela Crawley). It is important that the Minister considers how we could bring forward an employment Bill. However, ultimately, this Bill will end the lottery that far too many employees across these islands have to deal with. I agree with the hon. Member for Thornbury and Yate about the need to expedite the Bill. I still have a concern that, although the Bill will be read a Second

[David Linden]

time today, we should get it into Committee as soon as possible, and to the Lords. My preference would be to do all stages on the Floor of the House. There is precedent for that. Given the immense cross-party agreement on this, we could get the Bill through in a couple of hours.

I put a direct challenge to whoever the two final candidates are for Prime Minister. I understand that whoever becomes Prime Minister will be enormously tempted to call a snap election. The danger with doing that is that the House would prorogue and the Bill would not receive Royal Assent. I would like a commitment from both candidates that they will not play fast and loose with that.

There are many more things that we can do to try to support families who have had premature or sick babies. We need to look at the neonatal workforce. That is a ticking time bomb that will go off in about 10 years' time. We need to look at the school admissions code, certainly in England, and look across the UK at the poor hospital accommodation for parents. Far too many parents have to stay in hotels well off site. That is particularly challenging for mothers who are breastfeeding and there are all sorts of other issues. My hon. Friend the Member for Cumbernauld, Kilsyth and Kirkintilloch East referred to the neonatal expenses fund that we have in Scotland. We are incredibly lucky to have that, but it is not available to our friends in other parts of these islands.

Finally, we will have to look at the postcode lottery and the desert of counselling that exists across health boards and NHS trusts. It has been well rehearsed this morning that having a baby who is born premature or sick can have a serious detrimental impact on the mental health of parents and frankly it is just luck whether they get that support at that time. I very much look forward to the Bill going to Committee, ensuring that it passes through the House speedily and can receive Royal Assent. I commend it to the House.

10.8 am

**Jill Mortimer** (Hartlepool) (Con): I, too, congratulate the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald) on this important Bill. As chair of the all-party group on maternity, I know all too well that more support is needed for parents and babies in neonatal care, including statutory pay and leave. I am proud that the UK already has a range of policies in place to support parents to balance work and family life, including family-related leave and pay entitlements, the right to request flexible working, and protections from detriment for parents seeking or taking time off work to care for their families. However, it has become increasingly clear through national consultations and my work chairing the all-party group that we should be offering even more support to parents whose babies are in neonatal care. That was a key pledge in our 2019 manifesto and I am delighted to support the Bill.

Although I do not have a neonatal care unit in my constituency, our midwives at the Rowan suite in Hartlepool are superb. They are some of the most caring and loving people I know. Still, no care, however brilliant, can truly beat that provided by parents themselves. Parents whose babies are in neonatal care should be able to spend as

much time as possible by their baby's side. Holding them in their arms, feeling that tiny heartbeat, stroking the first hairs on their head should not be overshadowed by worries about work and pay. We all know that this skin-to-skin contact in the first weeks following birth is essential to ensuring better outcomes for babies and their parents. Long periods of direct care by parents can improve breastfeeding rates, increase weight gain, improve infant reflexes, lead to better motor development, and reduce pain during invasive procedures.

However, too many parents are excluded from that direct care. As my hon. Friend the Member for Thornbury and Yate (Luke Hall) and the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East said—I thank them for sharing their emotional stories—it is a particular problem for fathers. With only two weeks of paternity leave available, 66% of fathers have to return to work long before their babies are well enough to come home. In fact, in around 70% of families with a significant neonatal stay, one parent had to return to work while their baby was still being cared for in hospital—often in another city many miles away.

Although mothers are entitled to longer leave than fathers, many mothers also have to return to work before they should. This is because mothers whose babies are in neonatal care use weeks or months of their maternity leave while they are still in the hospital. When their baby comes home, mothers may only have a few weeks with their baby before their statutory maternity pay comes to an end. It is simply not right that mothers must return to the workplace when their baby has only just left neonatal care.

However, this is about more than parents' financial worries; it is about addressing the emotional trauma a parent goes through when their baby is seriously unwell and in neonatal care. As many as 80% of parents report that their mental health deteriorated after their neonatal experience. They deserve our full support, which I believe this Bill will offer. No parent should be forced back into the workplace when their baby is in neonatal care. The financial and emotional stresses caused by the current system cannot go on. I join colleagues across the House in supporting this Bill, and I hope that mothers and fathers across the country will be reassured by the contributions in today's debate.

10.12 am

**Allan Dorans** (Ayr, Carrick and Cumnock) (SNP): I begin by congratulating my hon. Friend the Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald) on securing this private Member's Bill and on deciding to use the opportunity to introduce legislation on such an important subject.

The Bill makes provision for dedicated leave and pay for employees with responsibility for children receiving neonatal care. I hope it will receive cross-party support as the policy is long overdue. I am sure Members from all parties will be familiar with the situation, either through personal circumstances, as outlined by some hon. Members this morning, or family, and many constituents will also be affected by the current lack of financial support and security.

Parents in this situation currently have to spend a proportion of their maternity or paternity leave with the baby in hospital. Compared with their peers, babies

who have to spend a long time in hospital after birth are usually at an earlier stage in their development when their mother or parents go back to work. That can be particularly upsetting for mothers, many of whom would like additional time with their child but cannot afford to take any more time off work. This initiative therefore has my strongest support.

Leave and pay for those with responsibility for children in neonatal care represent one crucial element in a wider response to the needs of these children and their parents. Before I consider the benefits of implementing such a policy, let me say a few words about the other essential element. Getting the best results depends largely on parents' ability to take time to be with their baby when it is most vulnerable, in hospital-based neonatal units and services. In February 2019, the then Scottish Health Secretary, Jeane Freeman MSP, visited Crosshouse Hospital in East Ayrshire, only a few miles from my constituency. She was there to announce the launch of a Scottish Government initiative, backed by £12 million of dedicated funding, to testing a new model for neonatal care. The scheme offers all expectant mums care from a primary midwife, alongside a small team, for their entire maternity journey. Support will be on hand to help parents with babies in neonatal units to provide as much day-to-day care for their newborn babies as possible. In March 2019, the scheme was welcomed by this House in an early-day motion tabled by SNP MPs. The Bill will build on that good work in Scotland and provide benefits for mothers, fathers, siblings and extended families across the United Kingdom.

After decades of falling neonatal mortality rates among all socioeconomic groups, we are now seeing a deeply worrying rising trend among the more deprived groups, which began two or more years after the UK Government's austerity policies were first implemented. SNP MPs at Westminster have long been aware of the even greater impact of austerity policies in England, where the lack of mitigating actions of the kind implemented by the Scottish Government has resulted in even greater levels of poverty, particularly child poverty.

The scale of demand for neonatal care is considerable. According to Bliss—the leading charity whose vision is for every baby born prematurely or sick in the United Kingdom to have the best chance of survival and quality of life—more than 90,000 babies are cared for in neonatal units in the United Kingdom every year. Neonatal units and the services they offer are fundamental to the care of vulnerable children, but parents cannot always fully utilise them unless they are supported by a dedicated leave and pay entitlement that enables them to afford to do so.

My hon. Friend's proposal recognises that a critical element of making a success of neonatal care is parents' ability to take advantage of existing highly skilled and professional neonatal units. However, there are wider benefits. Research in 2018 showed that 80% of parents who have had a child admitted to neonatal intensive care feel that their mental health suffered, while 35% of parents report that there was a significant impact on their mental health. The inability to afford to be with their child in the neonatal unit for the full time is a major factor in those outcomes. The costs for those individuals personally and the impact on employment and family can be immense. Many thousands of families are affected.

The Bill is of considerable importance to the most vulnerable in our society. It will help families at one of the most difficult times in their lives and will demonstrate that as a country we recognise the value of providing support to parents and families who need it at the most emotionally difficult time for them. It has my strongest support and I hope that it will receive the full support of the House.

10.17 am

**Edward Argar** (Charnwood) (Con): I congratulate the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald) on introducing this hugely important Bill. It has been about four and a half years since I last spoke from the Back Benches; it feels a little unfamiliar, but it is right that I am doing it on a sitting Friday for private Members' Bills. One of the great benefits of having recently become an ex-Minister is that I have the opportunity to speak in debates like this one and put my support behind such excellent private Members' Bills.

It is perhaps somewhat surprising, but I welcome the fact that the Scottish National party is helping to implement a Conservative manifesto commitment for us. I do not think that that would happen very often, but it is a testament to this House's ability to come together around issues that really matter. When people watch proceedings of this House such as Prime Minister's questions, they often see the combative nature of politics. I encourage many more people to watch sitting Fridays, when the House comes together to deliver outcomes and legislation that genuinely make a difference to people's lives. That is one reason why I am very pleased to be here today.

Another reason is the persuasive skills of my hon. Friend the Member for Castle Point (Rebecca Harris), who does an amazing job of encouraging all Members who are able to come in on a Friday to contribute to important debates such as this one. I welcome my hon. Friend the Member for Loughborough (Jane Hunt) to her place on the Front Bench; I very much hope that she will be there for many years to come.

The context of the Bill was ably set out by the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East. One in seven babies requires neonatal care of some sort, and 50,000 babies a year require neonatal care in hospital for more than a week, so the need is stark. The hon. Gentleman mentioned a number of other factors—for example, the need to look at the support and accommodation available to families in hospital settings, including simple things such as catering facilities. I encourage my successor in the Department of Health and Social Care to bear that in mind as we look to build new hospitals and upgrade others.

The Bill goes to the heart of what is hugely important to these families, too many of whom are asked to choose between their livelihoods, work and obligations, and their time with their child. This debate reminds me of the debates we had on what is now the Parental Bereavement (Leave and Pay) Act 2018, which those who were Members of the House back in 2017 and 2018 will remember. In those debates, we talked about the fact that many businesses do the right thing and make support available, even though they are not compelled by statute to go as far as we will hopefully move towards today, but some do not, which is why it is right that we legislate through this Bill to put that right and fill the gap.

[Edward Argar]

The Bill reminds me not only of those debates, but of our debates on the children's funeral fund, for which the hon. Member for Swansea East (Carolyn Harris) campaigned. I was the Minister who put that in place. Again, that provision is hugely important. The two measures that I have outlined are in place for when the worst happens. Thankfully, today we are talking not about the worst happening, but about babies who need more neonatal care in hospital. However, there is a common theme that runs through the pieces of legislation that are already in place and this Bill: giving parents the time and space to be parents, to be with their children and to process what is going on, without at the same time having to worry constantly about what is happening to their job or their family finances.

**Christina Rees** (Neath) (Lab/Co-op): I thank the hon. Member for all the help he gave me when he was a Minister; I am really grateful. I pledge my support to the Bill, because during lockdown I was blessed with two grandsons, and the provisions in the Bill would have made a huge difference to my daughter Angharad and her husband Ciaran—who we call “Shaky”, but that is another story!

**Edward Argar**: It was a pleasure and a privilege to work with the hon. Lady on a number of issues during my stint in the Department of Health. That goes to the heart of what I said about how much we can achieve in the House—how much is often not seen outside the House—by working across the Chamber, making changes that are often small but that genuinely make a huge difference to people's lives.

We have heard that there is already a degree of statutory support available, such as the ability to request flexible working, which is welcome, but it does not go far enough and it does not address the challenge of businesses that choose not to do the right thing, not to be flexible and not to support such families.

I hugely welcome what the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East has brought before the House. Of course there are details to be worked out, and I hope that can be done speedily and efficiently in Committee. I am happy to volunteer to the hon. Gentleman that if I am still on the Back Benches when the time comes—in anticipation of a possible longer stint on the Back Benches—I would be happy to serve on the Committee for this important piece of legislation. It is hugely important: no family or parent should be forced to choose, or feel forced to choose, between having the space to be with their child in neonatal care, and their livelihood and job, yet there are currently parents who have to make that choice every day. That cannot be right, which is why I hugely welcome the hon. Gentleman's Bill. I look forward to supporting the Bill today and, should he so wish, to serving on the Bill Committee to help ensure that we get the legislation on to the statute book as quickly as possible.

10.24 am

**Ms Lyn Brown** (West Ham) (Lab): I am delighted to be considering this important private Member's Bill this morning and I thank the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald)—

[*Interruption.*] I am sorry; I have honestly practised saying “Kirkintilloch East”—for bringing it forward. It is also a pleasure to follow the hon. Member for Charnwood (Edward Argar). While the Conservative party occupies the Treasury Bench, I think it is time for him to be back on the Front Bench, because we cannot do without his talent. He is a massively respected Member and it would be good to see him back where he belongs.

I will not keep the House long, but I want to put my support on the record. A friend of mine gave birth to a very premature little girl some years ago, and I know she stayed with that little girl in hospital day in and day out until she was ready to leave hospital. I know that that time was truly precious, but I also know that it was terrifying. Thankfully, Esme is now doing really well: she is a tiny little dot with the hugest smile and so much energy and life. She just has a zest for life that is a joy to behold. She is thoroughly engaging and she is doing so very well at school, despite being the youngest and, I am sure, the tiniest in her class.

However, if Esme's mum had not been able to stay there day in and day out, I am not sure the prognosis would have been as positive as it has been. I want to make sure that all families get to be there for their little ones when their little ones need them most. As we have heard, every year tens of thousands of babies are born prematurely or sick and need to remain in hospital. Of course their parents want to stay with them and have a say in their care. They just want to be with them, but right now we know that there are parents who want to stay with their baby but cannot, because their employer simply does not get it or because they cannot afford to take time off work and lose essential income.

As we have heard, according to the charity Bliss, for every week their baby is in hospital, parents end up having to spend an extra £282 on average. We all know that for many people that is simply not possible without incurring a huge and debilitating debt. It is not right that parents have to take sick leave instead of neonatal leave, because taking sick leave when they are not sick comes with a certain stigma. Frankly, employers do not like it, because they cannot reclaim statutory sick pay, so it costs them money.

Taking sick leave also disincentivises employers from doing the right thing and offering paid neonatal care. We need to keep in mind that these mums, dads, other carers and relatives are going through hell. I really hope that today we will do all we can to ease some of the terrible pressure they are under and support their right to paid leave. Across this House we often talk about giving children the best start in life, equal opportunities and levelling up. If we mean what we say and we truly want to give newborn babies the best start in life, we need to make sure that their parents can be there in the hospital with them to develop that early bond. We need to make sure that parents, including dads, can maintain skin-to-skin contact with their babies, which is so important for development and bonding. We all know how damaging and traumatic it can be to separate a child from its parents at such an early age, and we know that a major way of looking after children is by helping out their parents in these crucial times. For those who have to cope with the additional strain of a child in hospital and the terror, the trauma, that goes with having a sick or premature baby, additional support is so desperately needed. If we want them to have the best chance of

keeping their family together, of supporting each other and of enabling their child's healthy emotional education and social development, we have to give them time with their baby.

A law to allow paid leave for neonatal care has been a long time coming, so I hope the Government will honour their commitment to introducing paid leave for neonatal care by ensuring the smooth and quick passage of this Bill.

10.30 am

**Dean Russell** (Watford) (Con): I congratulate the hon. Member on his Bill. I will not attempt to say the name of his constituency, but I would love to visit one day.

I will not speak for too long, but I will address some of the points that have been raised. First, I endorse this Bill and will do all I can to support its passage. This is such an important issue. We heard earlier about personal experience, and the personal experiences of my friends who have had to use neonatal care, including my hon. Friend the Member for Thornbury and Yate (Luke Hall) and the hon. Member for Glasgow East (David Linden), really touch one's heart. Those precious moments, from our child's first seconds, are embedded in our souls, our minds and our memories.

Thankfully, my daughter did not need neonatal care, but those moments—the nine months leading up to her birth, and the seconds after she was born—are seared into me. They create tears, memories and hopes for the future. I cannot imagine what it must be like, in those first few weeks, for a parent to be stuck at work when they want to be with their child at their most precious, most vulnerable and most fragile. All a parent would want is just to be there to support them and, even if they cannot hug them, to know that they are close enough to do so.

For me, this Bill is much more than just legislation. It is about doing the right thing and it is about compassion. I came into politics because I believe in people and because I believe in a compassionate society. We sometimes disagree in this House on how we get there, but this is one issue on which we can come together.

My daughter was born in my constituency at Watford General Hospital, which has a neonatal unit, and during the pandemic I did voluntary work in the maternity unit's filing area. I had not realised how much work the staff do behind the scenes before a child is born, and in the following weeks, to make sure they are safe. The neonatal period is intense. There is so much happening, and so many moments that require a rapid reaction. Again, I cannot imagine how difficult it must be for a parent to be away from their baby as they wait, listen and hang on for a phone call or message to find out if everything is going to be okay.

I absolutely endorse this Bill, and I wish the hon. Member the best of luck today. The Minister is doing a fantastic job in her first week, and I urge her to support the Bill's passage to leave a legacy. Generations to come will talk about this day for many years.

10.34 am

**Gavin Newlands** (Paisley and Renfrewshire North) (SNP): As a member of the all-party parliamentary group on premature and sick babies, and as someone whose family has had experience of these matters, I

congratulate my hon. Friend the Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald) on choosing paid neonatal care leave as the subject of his Bill, and on putting the case so well and so fully. I also pay tribute to my hon. Friend the Member for Glasgow East (David Linden), the chair of the all-party group, for all his campaigning on an issue which, as we have heard, is also very personal to him.

Given that the Government are supportive and are also keen to get through a number of Bills today, I will not seek to repeat the arguments that have been made so forcefully by the hon. Members for Thornbury and Yate (Luke Hall), for Hartlepool (Jill Mortimer), my hon. Friend the Member for Ayr, Carrick and Cumnock (Allan Dorans), the hon. Member for Charnwood (Edward Argar)—he nearly put the kibosh on the Bill by claiming that it was fulfilling a Conservative manifesto commitment, but we will gloss over that for now—the hon. Member for West Ham (Ms Brown) who has my sympathy; the constituency of my hon. Friend the Member for Cumbernauld, Kilsyth and Kirkintilloch East is indeed a mouthful, the hon. Member for Watford (Dean Russell), and, obviously, none more so than my hon. Friend the Member for Glasgow East. Instead, I will talk briefly about my family's experience, and about the good luck that we had on so many levels.

My wife Lynn had pre-eclampsia during both her pregnancies. It was particularly acute during her first pregnancy, with our daughter Emma. The care that she received when she was eventually admitted was exemplary. I could not fault it; it was fantastic from start to finish. However, when my wife was first sent to hospital by her GP, having presented feeling nauseous and light-headed and with various other symptoms, she was not taken entirely seriously when she got there. Her blood pressure was up and down, and at one point her condition was diagnosed as "white coat syndrome" and she was sent home. But she knows her own body, and she did not feel right at all, so she made a phone call, went back to the hospital, and was eventually admitted.

Emma was born six and a half weeks early, in an emergency caesarean. Thankfully, she seemed healthy for a baby born so early, in comparison with many even smaller babies whose care was more critical and more urgent. She was certainly loud enough, although our youngest, Eilidh, has since managed to beat her quite convincingly on the decibel front. My ears can attest to the fact that that has not changed throughout the last nearly 16 years and 12 years respectively. They will be grateful for that!

Once Emma was born, my wife sent me straight back to work. My hon. Friend spoke of the choices that we are forced to face in these circumstances. My wife wanted my paternity leave to coincide with her arriving home from hospital with Emma, so that I could help around the house following her caesarean. As other Members have mentioned, it does not feel natural in the slightest to go back to work when a small, fragile baby girl is in an incubator and an exhausted wife is recovering from surgery, but back to work I went, because we do as we are told—sometimes.

**Darren Henry**: I am a former member of the all-party group, because the subject is important to me as well, but may I make a point about work and productivity? Does the hon. Gentleman believe that people who have

[Darren Henry]

been through this experience and have been afforded the necessary space will then go back to work and be more productive? Does he believe that other employees, seeing that happening, will feel that they need not make a choice between work and family, will see this as a compassionate society, and will do better work as a result?

**Gavin Newlands:** I could not agree more, but my productivity probably could not be measured in that way, because I had gone back to work. Having done so, I spoke with colleagues, receiving their congratulations and so on. Not long after my return, I was called into the office by my boss Thomas, who sent me straight back to the hospital, saying that my place was by Lynn's side, supporting her. Moreover, he said that I was not to worry about leave or money, and I was given additional paid leave for as long as I required it. My wife's boss similarly ensured that her maternity leave started at the originally planned date.

This was not policy, in either case; the additional leave was given at those bosses' discretion. I want to thank Thomas Kelly and Steve Tomlin for their empathy and for their support. We were extremely lucky to have such empathetic bosses, but as others have said, it should not be down to luck.

**Chris Stephens** (Glasgow South West) (SNP): I am here to support this Bill because of the experiences of my sister with my niece Erin, who was born three years ago. I looked after my nephew and other niece throughout that week.

The importance of this Bill, as my hon. Friend knows from his own experiences, is that it would alleviate somewhat the stress that people go through, because they would not have to worry about their leave or pay. Does he agree that that is one reason why the Bill needs to go through the House today?

**Gavin Newlands:** I certainly do, and I am pleased that my hon. Friend managed to get in just before my final sentence, not least because his sister went to the same school as me.

I hope that, despite the mayhem all around the Minister at the moment, she will see this paid leave rolled out as quickly as possible so that all parents are as lucky as we were.

10.41 am

**Felicity Buchan** (Kensington) (Con): It is a real privilege to speak in this debate, and I congratulate the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald) on introducing the Bill—I hope I have got his constituency right. I am Scottish born and bred, so I should.

It has been very moving to hear the experiences of many Members, including my hon. Friend the Member for Thornbury and Yate (Luke Hall) and the hon. Member for Glasgow East (David Linden). I do not have children myself, but we all empathise with them in the traumatic experiences they have had. I speak on behalf of my constituents in saying that we think this Bill is simply the right thing to do.

On a personal basis, it is pleasing for me to speak in this debate because, until last week, I was a Parliamentary Private Secretary in the Department for Business, Energy and Industrial Strategy, so I was part of some of the discussions on the Bill. It is good to see it come to the Floor of the House. I pay tribute to my hon. Friend the Member for Sutton and Cheam (Paul Scully), who is going on to bigger and greater things. He was an exceptional Minister in BEIS, and he is compassionate and focused and has done great work on this topic. I welcome the Under-Secretary of State for Business, Energy and Industrial Strategy, my hon. Friend the Member for Loughborough (Jane Hunt), to her place, and I know she will do an exceptional job of carrying on that work.

I also pay tribute to the many charities that have been advocating for the Bill. Bliss has been mentioned on a number of occasions, but others such as The Smallest Things and Tommy's have also been involved. I thank all the parents who have shared their individual stories, because that has the most impact.

My hon. Friend the Member for Charnwood (Edward Argar) put it so well: people should not be asked to choose between their livelihood and being with a very ill newborn child. The scale of this issue is large: I was surprised to read that one in seven children needs neonatal care, and more than 50,000 a year spend considerable time in neonatal care units. This is an ongoing problem, because 80% of those children need ongoing medical assistance and almost half end up back in neonatal care. This is not simply a one-off event.

There is no question that when a child is born prematurely or with major healthcare issues, the only place for the parents should be by their side. My hon. Friend the Member for Hartlepool (Jill Mortimer) put it very well when she said that those first few days and weeks of close physical contact are so important for the development of a child. Also, critical decisions may have to be made while a baby is in neonatal care. Those can literally be life and death decisions, and the parents need to be there when they are being made. They should not be at work. They need to be there in real time, seeing the development of the child's care. While all the medical staff do the most amazing job, there is nothing better than the focus of relatives and parents. I have seen that in other situations when I have visited family and friends in hospital. It is the care of the immediate relatives that can sometimes be so, so powerful.

I have talked about the scale of the problem, but I also want to talk about the intensity of the problem. These are some of the most traumatic moments that any parent will go through. My hon. Friend the Member for Thornbury and Yate talked very powerfully about the mental health issues that parents may suffer. I was also quite surprised to read that 66% of fathers end up having to go back to work while their child is in neonatal care. That may have been okay 30 or 40 years ago, but I think we all now live in a world where we realise it is vital that both parents, whatever sex they may be, are very, very involved at the earliest stages of the care. That is very important.

What is also very important is that once the child comes out of neonatal care both mothers and fathers can spend time with the child. I heard a few weeks ago that a lot of parents end up using their maternity and paternity leave in the intensive care unit, and then, when

the child goes home from the ICU, they immediately have to go back to work at that point and do not have the few weeks or months of bonding once the child is home. If your child has been in neonatal care—either because they have been incredibly premature or had serious health issues—you need that bonding time even more than if it were a normal healthy child.

Some people have asked, “Does this put too much of the burden on employers?” I argue that that is not the case. I started off by saying that as a society we need to do the right thing, and this is clearly the right thing, but employers also need to do the right thing. I argue that it is in the interests of employers to do the right thing. We are in an employment environment where it is incredibly difficult to hire good-quality talent, with the lowest unemployment rates since 1974, so it is in the economic interest of employers to provide good packages for employees, because they are in a war for talent and they can only secure the best talent if they are a humane, compassionate employer. Most employers will use discretion and do the right thing, but we should not be subject to an employer’s whims and their discretion. This needs to be in statute, so I am grateful to the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald) for introducing this important Bill. This is a Conservative manifesto pledge and we also had it in our March 2020 Budget, so it is good that it is coming to fruition in such a cross-party and co-operative manner.

I will conclude my remarks by saying that I very much welcome this legislation. It is the right thing to do and my constituents think it is the right thing to do. There is no question but that when someone has a child in neonatal care, the parents should be there too and not in work. They should be doing everything they can to support their baby at that time, and they should have the support of society.

**Madam Deputy Speaker (Dame Eleanor Laing):** Having observed that this Bill has total unanimity of support in the House, I do not think it compromises my usual impartiality if I seek to add my congratulations to the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East—it is quite easy to say that when you know how—on bringing forward such an excellent Bill. Having given birth to a premature baby one week after a general election, and in the middle of a Conservative leadership election, I can understand some of the stresses and strains that have been expressed this morning. Let us proceed, with Ruth Jones.

10.52 am

**Ruth Jones (Newport West) (Lab):** Thank you for calling me and for indulging me this morning, Madam Deputy Speaker. I was not going to speak in this debate but I have been so inspired by hearing everybody else that I feel that I must add my personal support, and that of my party, to the Bill. I thank the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald) for bringing it forward, as it is so important. I also thank you, Madam Deputy Speaker, for your eloquent words highlighting exactly why we are doing this.

As a former physiotherapist—I worked as a paediatric physio for many years—I am proud to say that I set up the physio service at what was the special care baby unit at the Royal Gwent Hospital in my constituency; obviously, it is now known as the neonatal intensive care unit. It

was set up because the evidence was clear that parents need to be with their children at that stage when their babies are born. We are talking about babies born as young as 24 weeks, which gives them 16 weeks to get to the normal gestational age, so it is really important that parents are there from the very beginning. The scientific research, which I am proud to say I was partly involved with, shows just how important bonding with parents is at that age. We have heard eloquent speeches from others about the importance of breastfeeding, the weight gain and the calming ability of what physios would call “handling”, what we here would call “cuddles” and, obviously, what we in Wales we would call “cwtshys”. It is very important that these cwtshys are there, from mums and dads—we must not forget dads, as it is so important that they are able to be included.

We also need to remember what happens during the transition home. After perhaps 10 weeks having been spent in a very scientific and clinical area, taking that little precious baby home is very scary for parents. It is so important that dad is there with mum to support with that transition back. I endorse all the points made by other eloquent speakers in this debate, but I urge the Minister to do all she can to make sure that the Bill progresses, despite any turbulence we might be having because of leadership elections. It is really important that we get this Bill on the statute book to benefit parents and babies across the UK.

10.54 am

**Kerry McCarthy (Bristol East) (Lab):** It is a pleasure to be responding to this debate, and I thank the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald) for bringing the Bill forward—*[Interruption.]* I think the trick is to say it quite fast. I also thank all my hon. Friends who are here to support it. I was glad to see the Bill top the ballot and the hon. Member take up the work, building on that of the hon. Member for Glasgow East (David Linden), who, as he outlined, has been pressing for this for a long time and who talked about his own experience with Isaac and Jessica. He spoke powerfully, as a number of Members have today, based on his own experience.

Parents should not have to be at work or worrying about work when their child is in this situation. We heard from the hon. Members for Thornbury and Yate (Luke Hall), for Glasgow East, and for Paisley and Renfrewshire North (Gavin Newlands), as well as from my hon. Friend the Member for West Ham (Ms Brown) who spoke about Esme, who sounds delightful, about just what parents have to go through.

When I visited the neonatal intensive care unit at Southmead Hospital in Bristol, it was just heartbreaking to see those tiny little babies in the incubators. Sadly in quite a few cases those children will not ever be going home with their parents, and I cannot think of anything worse than having to sit there watching a child with a very short life, almost waiting for it to die. In many cases, the kids do get to go home and it is brilliant to hear how they are thriving. Madam Deputy Speaker, I was very glad to hear you talk about your own experience. I think you are excused for speaking from the Chair on this occasion.

In a civilised society, we have a duty of care to people who are at an incredibly traumatic time in their lives. As I said, it must be heart-wrenching to be in that situation.

[Kerry McCarthy]

We have heard from Bliss, and we all pay tribute to the charities involved in campaigning for this Bill. They are there to support the parents of babies who are born prematurely or ill. As we have heard, one in seven babies born in the UK receives some level of neonatal care shortly after birth. Thankfully, many do return home with their families after just a few days of care, but around 50,000 spend more than a week in neonatal care every year.

The hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East said that some employers are very understanding, but others are not. In some cases, it is not that they do not want to be, it is just that as a small employer it can be difficult to financially support parents in that situation, but this Bill will put everybody on an even footing. The hon. Member for Thornbury and Yate talked about the ridiculous and impossible position that parents are put in when forced to choose between work and being with a child in hospital. He talked about his tiny son. When he said, “You just want to be there”, that is all it comes down to, and it is where parents should be. They should be able to put work completely out of their minds when in such a situation.

We have heard that some parents are put in an agonising position where they are forced back to work to cover their bills. That is particularly true for fathers and non-birthing partners who are entitled to just two weeks of paternity leave. It also affects mothers who run out of maternity leave if their babies end up having to have longer stays in hospital. Another issue is the after-care needed when families are at long last able to take their baby home—all these follow-up appointments and the checks on the babies’ health. It is worth mentioning that sometimes they will not be the first child or only child in the family. When my niece was diagnosed with cystic fibrosis at a few weeks old, my sister had to balance trying to make sure that she was absolutely their priority, with the two older children who were only toddlers and needed help and support, too. Trying to juggle all that is just so difficult. In some cases it can be a lifelong commitment if the child has disabilities or continuing conditions. Even without those logistics of having to be in hospital or attend appointments, it is about emotionally wanting to just focus on that one thing.

We have heard a spirit of cross-party consensus today. When we were in government, I was the Friday Whip, and I have been here on many Fridays when there has been endless tedious filibustering. That is such an utter waste of time, and it is very difficult to explain to constituents who really want us to support Bills. When I found myself on Bench duty today, I was quite surprised that the Whip told me that we were hoping to get through quite a few Bills, and that we would be supporting them and hoping to get them into Committee. That is exactly how we ought to be working together.

I do not want to get too party political, but I will say that it is disappointing, given that neonatal leave and pay was a manifesto commitment, that we are having to rely on a private Member’s Bill to get to this stage. [Interruption.] The Under-Secretary of State for Work and Pensions, the hon. Member for Hexham (Guy Opperman), says, “It’s faster; that’s why we’re doing it,” but the Government consulted on this issue in

the previous Parliament, and they said in their official response that Ministers remained committed to a new entitlement. They committed to it again in the “Good Work Plan”, they committed to legislation in the 2019 manifesto, and they were due to address it in the employment Bill, which has twice been trailed and then dropped from the legislative programme. The shadow Secretary of State for Business, Energy and Industrial Strategy, my hon. Friend the Member for Stalybridge and Hyde (Jonathan Reynolds), said when it was dropped that that was an extraordinary move.

We are where we are. I hope that we can get the Bill through very quickly. Labour very much supports it. As we set out in our new deal for working people, we will give families the right to flexible working and to paid family and carers leave, and provide workers with greater ability to enforce those rights. As I said, I am pleased to see the spirit of co-operation today. I urge the House to give the Bill its Second Reading, and I hope that we can get it through Committee and see it become law as quickly as possible.

11.1 am

**The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Jane Hunt):** I thank the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald) for bringing forward this important Bill, and I thank all hon. Members who have spoken on this important matter today. I am pleased to confirm that the Government will support the Bill.

As a mother myself, I know exactly how incredible that moment is when your baby is born. It is a time that should be full of joy and excitement. It must be devastating to see your baby whisked away and in need of urgent medical care, yet feel unable to do anything about it except be there. I can only offer my full support to all those who have experienced that.

That is why I am pleased to be here today and pleased to have taken on this important portfolio. I am deeply committed to ensuring that the UK is the best place in the world to work and grow a business. We need a strong and flexible labour market that supports participation and economic growth. I take this opportunity to thank my predecessor, my hon. Friend the Member for Sutton and Cheam (Paul Scully)—

**The Parliamentary Under-Secretary of State for Work and Pensions (Guy Opperman):** Top man.

**Jane Hunt:** Absolutely, and he is now a Minister of State at the Department for Levelling Up, Housing and Communities. I think hon. Members will agree that he is a committed and compassionate Minister, and I am pleased to be following him and moving this agenda forward—I will have to work very hard indeed to do so. I also thank the all-party parliamentary group on premature and sick babies, and in particular its chair, the hon. Member for Glasgow East (David Linden).

Neonatal care leave and pay will enable thousands of parents to care for and be with their children in neonatal care without worrying about whether their job is at risk. I am pleased to see that the Bill has support across the House, as has been reflected in the debate—I thank everybody very much. I will take time to address some of the points raised by hon. Members, but first let me put on the record why the Government support the Bill.

As the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East explained, every year in the UK, an estimated 100,000 babies are admitted to neonatal care following their birth, for a range of medical reasons. The United Kingdom has a range of generous entitlements and protections designed to support parents to balance their family and work commitments and maintain their place in the labour market while raising their children. However, for parents in the worrying position of having their newborn admitted to neonatal care, it is clear that the current leave and pay entitlements do not provide adequate support.

In an Adjournment debate on 9 February, my hon. Friend the Member for Thornbury and Yate (Luke Hall) said:

“The current system is also a massive barrier for fathers and non-childbearing parents in particular. Earlier this week, 75% of parents who responded to a survey from Bliss, the incredible charity, said that they or their partner went back to work before their baby was home from hospital. Some of those children will still have been on ventilation and receiving critical care. Previous research suggests that the most common reason for that is they simply cannot afford to take more time off work. That is happening every single day, right around the country, to families of premature and sick children.”—[*Official Report*, 9 February 2022; Vol. 708, c. 1054.]

That is why we are here today and have been able to come to an agreement. The Government have previously consulted on the issue. In March 2020, we committed to introducing a new entitlement to neonatal leave and pay. We are pleased to support the Bill, which will bring that policy into effect.

I will address some of the specific points that hon. Members have made. First, I thank the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East for bringing forward the Bill, and my hon. Friend the Member for Thornbury and Yate for bringing his personal experience so emotionally and compassionately to the Chamber. My hon. Friend the Member for Hartlepool (Jill Mortimer) talked particularly about fathers. I absolutely support what she said about giving extra time to both parents to be there for their child. I will refer to some of the points raised by the hon. Member for Ayr, Carrick and Cumnock (Allan Dorans) later.

The hon. Member for Glasgow East also talked movingly about his personal experience. The hon. Member for West Ham (Ms Brown) mentioned a specific case. My hon. Friend the Member for Watford (Dean Russell) volunteered in his own Watford hospital—a legacy for all here today, hopefully, we will provide. The hon. Member for Paisley and Renfrewshire North (Gavin Newlands) referred to his personal experience and his children, who are clearly taking after their father. On his behalf, I also thank Thomas and Steve, the employers who helped him and his wife and did all they could to support them as members of staff.

My hon. Friend the Member for Kensington (Felicity Buchan) said that the Bill is the right thing to do and talked about bonding time; we must agree that that is a vital relationship for parents at that time. She also said that good employers are already doing the right thing and helping with newborn children. This Bill is a floor, not a ceiling. I want to ensure that everybody gets a good level of care, and other businesses may be able to put something on top of that, as she said.

I will refer to the point made by the hon. Member for Newport West (Ruth Jones) later. Madam Deputy Speaker, who is no longer in her place, talked about what happened

to her and the stressful time that she had in more ways than one. The hon. Member for Bristol East (Kerry McCarthy) pointed out that the child is often not the only child in the family, which must be considered. There were also many helpful and supportive interventions from hon. Members on both sides of the Chamber.

My hon. Friend the Member for Thornbury and Yate raised concerns about the length of time that it would take for the Bill to be implemented. There is clearly cross-party support for the Bill and we hope that it will complete its parliamentary passage and receive Royal Assent as swiftly as possible. Setting up a new leave and pay entitlement takes time. It requires secondary legislation and changes to Government systems that administer statutory payments, and businesses need good notice in order to prepare. HMRC and commercial payroll providers require at least 18 months' lead time to implement such changes following Royal Assent. I spoke with my officials this week, however, and we are looking at what we can do to speed that up. I note that the hon. Member for Glasgow East, my hon. Friend the Member for Charnwood (Edward Argar), the hon. Member for Newport West all requested that.

**David Linden:** I am grateful to the Minister for her discussions with officials in her Department, but will she undertake to have a conversation with the Leader of the House and business managers to see whether it might be possible to expedite the Bill as we try to get it through the House?

**Jane Hunt:** That is a good idea, and I will take that up.

My hon. Friend the Member for Thornbury and Yate also raised concerns about why seven full days of neonatal are required before the entitlement is triggered. In response, I flag that the policy is primarily intended to support parents of babies facing longer stays in hospital and that the needs of parents in that position must be balanced against those of their employer. When developing the approach, the responses from parents, parent representative groups and business representatives to the 2019 consultation on neonatal leave and pay were considered.

**Luke Hall:** I thank the Minister for the tone of her response so far, especially her points about being prepared to look at speeding up the implementation of the Bill following Royal Assent.

I have a small, technical point. I completely accept the seven-day trigger, which is largely in line with what everyone was expecting, but I was not expecting that the first day appears to be the day after birth, so it is actually eight days. We do not need to deal with that today—we could look at it in Committee—but will the Minister commit to taking that away and talking to officials in BEIS? That conversation can continue throughout the Bill's passage.

**Jane Hunt:** I absolutely will take that away.

The hon. Member for Ayr, Carrick and Cumnock referred to other family leave and pay entitlements. Parents have access to a range of pay and leave entitlements in their child's first year, giving working families more choice and flexibility about who cares for their child and when. Our maternity leave entitlement is generous. To qualifying employed women, we offer 52 weeks of

[Jane Hunt]

maternity leave, of which 39 are paid. That is more than three times the EU minimum requirement. For self-employed women, and those who are not eligible for statutory maternity pay, maternity allowance may be available. Both maternity payments are designed to provide a measure of financial security to help women to stop working towards the end of their pregnancy and in the months after childbirth in the interests of their and their baby's health and wellbeing.

We also recognise that fathers and partners play a crucial role in the first year of their child's life, both through supporting the mother and by developing a relationship with the child. Paternity leave arrangements enable employed fathers and partners who meet the qualifying conditions to take up to two weeks of paid leave within the first eight weeks following the birth of their child or placement for adoption. We recognise, however, that paternity leave can be improved, so we made a manifesto commitment to make it easier for fathers and partners to take it. We will announce how we will be doing that in due course.

Shared parental leave and pay provides parents with flexibility over their child's care in the first year. It challenges the assumption that the mother will always be the primary carer and enables working parents to share up to 50 weeks of leave and up to 37 weeks of pay in the first year of their child's life. That enables mothers who want to return to work early to do so and enables fathers and partners to be their child's primary carer if the parents wish. To help make shared parental leave more accessible, we launched an online tool last year that allows parents to check their eligibility and plan their leave. We are evaluating the shared parental leave scheme and will publish further findings in due course.

The hon. Member for Bristol East queried the length of time it has taken to legislate and deliver this entitlement. In 2019, the Conservative party manifesto committed to introducing neonatal leave care and pay. We consulted on the details and published a response in 2020. During covid, the Government rightly prioritised our response to the pandemic. We are pleased that the neonatal care leave and pay entitlement is now being taken forward in legislation and fully support this Bill.

**Stephen Flynn** (Aberdeen South) (SNP): I did not intend to speak today, as this is a particularly fresh issue for me and it has been a challenging few weeks. I thank my SNP colleagues for the support that they have given to me and my family in that regard. Before the Minister concludes, will she place on record her thanks and support for all the staff who work tirelessly in neonatal units across these isles, and the miraculous work they do to keep young people alive and give them the futures that they deserve?

**Jane Hunt:** Absolutely, and I thank the hon. Gentleman very much for that intervention. That is absolutely spot-on and correct, and I fully support everything he said.

In conclusion, these measures would provide invaluable support and protection for parents during some of the most stressful days of their lives when their children are in neonatal care. That entitlement is also backed by Government evidence and analysis, showing a clear need for further support for those parents. Therefore, the Government are pleased to support the Bill. Supporting the Bill is in line with our ongoing commitment to support workers and build a high-skilled, high-productivity, high-wage economy. It is good to see support from across the political spectrum for this important measure, as is clear from the debate. I look forward to continuing to work with the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East to support the passage of the Bill.

11.16 am

**Stuart C. McDonald:** May I say how grateful, and indeed humbled, I am with the way Members have spoken so passionately, coming together unanimously to support the Bill? I was optimistic about support for the Bill, but it has taken my breath away. Indeed, the hon. Member for Watford (Dean Russell) has suggested a visit to my constituency, and the talented former Minister, the hon. Member for Charnwood (Edward Argar) requested to serve on the Bill Committee. The answer, of course, is yes, particularly if he can bring a friend. There was even a welcome and powerful intervention from you, Madam Deputy Speaker, which we all appreciated.

Many Members raised similar points, which is testimony to the work of charities such as Bliss and others, how they have advocated for this case, and how we have all become familiar with the arguments in favour of the Bill. Many other sensible points have been added, which it was remiss of me to miss out in my opening speech. One of those was about the benefit to employers. Employers are overwhelmingly in support of these measures. They appreciate that having folk at work who have kids in neonatal care is of no use to them, and they end up managing it through sick pay and other means, rather than through proper statutory leave.

Finally, it is so important to welcome and highlight the fantastic work of staff in neonatal units up and down the country, and I look forward to visiting the constituency of my hon. Friend the Member for Motherwell and Wishaw (Marion Fellows) to see that at first hand. As I said at the outset of the debate, the best advocates for this cause are those who speak from personal experience. I am particularly grateful to MPs who have spoken from that point of view today, and I look forward to working with them all in the weeks ahead to as the Bill continues its passage through the House.

*Question put and agreed to.*

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

## Employment (Allocation of Tips) Bill

### *Second Reading.*

11.18 am

**Dean Russell** (Watford) (Con): I beg to move, That the Bill be now read a Second time.

I am incredibly pleased that we have time today to debate this important issue and Bill. I am the Member of Parliament for Watford, which has a thriving hospitality and service sector. That means that many of my constituents, and those from surrounding areas, work in roles where tips, gratuities and service charges are given to them—for the simplicity of my speech I will refer to those things as tips from now on, rather than give the full list.

For individuals who work in those roles, tips are an important part of receiving a thank you, and in many cases they are a token gesture from customers. Across Watford, not only do many people working in hospitality receive tips, but probably everyone—we are a very generous constituency—will have given a tip over the past few years. I was shocked when I found out, especially during the summer period after lockdown when we could reopen restaurants and were able to go back out and give tips, that hospitality workers could not necessarily guarantee that they could keep them. I think most people would be shocked to know that if they gave a tip through the business—via a credit card, say, as is increasingly more prominent and popular—there is no guarantee that the person or team they gave it to would receive it.

Of course, in most instances businesses are fair and kind and ensure that those tips get to the staff who were given them. Sadly, however, we know that there are always those who are unscrupulous and unfair and will choose to exploit their staff and keep the tips for themselves, sometimes in part, sometimes in full.

**Ms Lyn Brown** (West Ham) (Lab): I congratulate the hon. Gentleman on bringing forward this Bill. It is certainly one I support, and hopefully a final victory for the long-running fair tips campaign run by Unite the Union. As he says, however, we know that some employers can be extraordinarily devious in exploiting loopholes in employment law at the expense of either the public purse or workers. What consideration is he giving to future-proofing this Bill to make it really difficult for operators, including those using digital platforms such as Deliveroo, for example, to avoid the spirit of such important legislation?

**Dean Russell:** I thank the hon. Member—I would like to say friend—for her question. I will come to that later, but it sits within the code of practice and ensuring that at the heart of this Bill is a word she will hear me repeat many times: fairness. That is baked into the approach that will be taken. As I will say later, I am looking forward to meeting businesses, sector representatives and unions to chat about how we make that code of practice work well and ensure it is fair for everyone involved.

As hon. Members will know, over the past few months media reports have highlighted that the taking of tips, especially via credit cards, and businesses taking more than their fair share—indeed, taking a share of something they should not even be getting—is increasing. One of

the reasons that concerns me, and why this Bill is so important not just in principle but right now and should be enacted as soon as possible, is that we are seeing a rise in the cost of living.

People who work in hospitality should not need to rely on tips as part of their salary. I am absolutely clear in the Bill that it is not about topping up salaries; it is about a gratuity, tip or service charge in addition. However, employees should be able to keep them. That should be at the heart of what we do, and that is what this Bill will do. That is why I say that fairness is key, because we all have a sense of fairness. We know what is right and wrong, and we know that if we give somebody some money to say thank you, they should be able to keep that money or choose to share it with others. That is key. A great deal of work has been done over the past few weeks to try to get this proposed legislation right, and I hope that people will see that in the Bill and that the code of practice will cover that.

**Mary Robinson** (Cheadle) (Con): I am grateful to my hon. Friend for bringing this important and overdue Bill to the House. We are all thinking of the people in hospitality who will benefit from it. I have been contacted by constituents who have had up to 15% of tips removed from their pay packet. Obviously, this Bill will address that. However, this measure will also matter to members of the public too. How many of us ask when we go to pay our bill, “Will the tips go directly to the person who has given us such great service tonight?” yet do not know whether the answer we get will be correct? This Bill will ensure that we have that security and that people paying their bill can trust that that tip will go to the person who has given them that service. I hope that my hon. Friend will have every success with this Bill, and that it will be backed up with a media campaign to let people know that their tips will go to the person who actually deserves them.

**Dean Russell:** My hon. Friend makes a brilliant point. I thank her so much for her endorsement and support, and for representing her constituents. I have heard the same stories from so many Members. In fact, a lot of Members—I will not name them—tell me that they worked in hospitality when they were students, and have experienced this issue; it really cuts through. On my hon. Friend’s point about a media campaign, I invite colleagues from across the House to help me promote this legislation as widely as possible. I hope that in a year’s time—hopefully sooner, but it might be a bit later—we get to the day when a customer never again has to ask, “Will you definitely be able to keep this tip?” That is one of the ambitions of the Bill.

The Bill is not about bashing business. Most businesses comprise good people, good entrepreneurs and good CEOs, and most pass on tips fairly. The businesses that I have spoken to—especially in my constituency and through fantastic Members of Parliament across the House—support the legislation, and hospitality businesses definitely do so.

Let me turn to fairness for workers, which is covered in several aspects of the Bill.

**Christina Rees** (Neath) (Lab/Co-op): I congratulate the hon. Member on bringing this excellent Bill to the House. Fairness is the key word. He has mentioned that

[Christina Rees]

he is working with businesses and trade unions. I am a Labour and Co-operative party MP. May I ask whether he has reached out to the Co-operative party? Many businesses are co-operatives, and I am sure the Co-operative party would be grateful if he reached out to it.

**Dean Russell:** The hon. Member makes a brilliant point. The idea of the code of practice is to ensure that we do that engagement, and I am hopeful that when we reach out to such organisations, they will help with the media campaign. We need to ensure that everybody knows about the legislation and to highlight that there are businesses that do not pass on tips. In the meantime, I hope that people challenge businesses on that when they speak to them.

The Bill will provide greater transparency for employers and workers in teams regarding how tips should be treated; that will be clear to everyone. It will create a level playing field for the majority of businesses that already pass on tips to workers fairly and transparently, ensuring that they know that other businesses will do the same as they have always done. As we have already mentioned, through the Bill consumers will have the confidence that the full value of their tips will go to workers, and the premise of the Bill is that 100% of tips will go to the workers. The code of practice will agree how that will be shared, and we can turn to that point later.

**Jill Mortimer** (Hartlepool) (Con): May I speak on behalf of all the backroom staff in hospitality venues? As a teenager, my son worked for many years as a pot washer for very little money, but he always felt really appreciated when he got the little top-up that was his share of the tips. We should remember all those people and how important it is to them to know that they are valued.

**Dean Russell:** Absolutely. I thank my hon. Friend for her contribution. May I also mention the fabulous staff in this place? I know that on occasion, some very kind Members of Parliament do give tips, even though it might not be reported.

I have covered some points around fairness for workers, but I will go into a little more detail. The Bill will create a legal obligation for employers that receive tips directly from customers, or that have control or significant influence over the distribution of tips that workers receive directly, to distribute tips to workers fairly and transparently. The obligation will be attached to the total amount of the qualifying tips paid at, or otherwise attributable to, an employer's place of business, and the tips must be allocated fairly between workers at that place of business. For example, in the case of a big chain, the tip will go into a pot to be distributed to everyone who works not in the chain, but at that particular venue.

Importantly, the situation will remain the same in cases where employers do not receive, or have control or significant influence over, tips. For example, the Bill will not cover me giving a tenner directly to a waiter or waitress at the end of a meal, as it is clear that it is for them. However, the Bill would come into force if they put the money through the business, perhaps via a credit card payment. Similarly, the Bill will not cover situations where employees already have their own tip jar that they look after, because those tips will not be touched by the business.

Fairness is key to ensuring that businesses and employees know exactly where they stand, but we also need to ensure that there is some flexibility. Every business is different—that is the nature of it. Someone working in hairdressing is going to have a different approach to the way they receive or manage tips from someone who works in a restaurant, bar or hotel. What we are trying to do with the code of conduct is to make sure that that is covered, and I hope that is going to come after this Bill today—

**Mark Jenkinson** (Workington) (Con): I am sorry to interrupt my hon. Friend in mid flow. As someone who has had many an argument with restaurant managers about removing service charges in London, in order to be able to give cash directly to staff, and nearly been thrown out of restaurants for it, may I put on record my congratulations to him on bringing this Bill to the House today? Let me also add my thanks on behalf of all the hospitality industry workers in my constituency and across the wider Cumbrian area who will benefit from this.

**Dean Russell:** I thank my hon. Friend for that. He stands up so strongly for workers and for the rights of people across this whole country, but particularly in his constituency. I am very conscious that there is a thing called the tronc system, although I will not go into too much detail on it now because of the time available. Tronc is an arrangement commonly used in the hospitality sector, where an employer delegates the collection, allocation and distribution of tips to a person or persons known as a “troncmaster” or tronc operator. The Bill does not seek to regulate the operators of independent tronc systems, which are commonly used by many businesses already. However, I raised this matter when I was talking through how to make this Bill the best it can be and I found that some stakeholders have been concerned about whether a business could then put pressure on a troncmaster to do something that is unfair. So, to mitigate that risk, under this Bill workers can bring an employment tribunal claim if an employer's use of an independent tronc is not fair. I hope that that will capture any concerns on that front.

As we have just discussed briefly, another aspect of fairness is ensuring that there are no deductions from tips. So at the core of the Bill is the creation of a legal obligation for employers to distribute all tips, gratuities and service charges to workers, without any deductions. When customers pay service charges, they expect that money to go in full to the staff and to the individuals they have asked it to go to. Sadly, some employers retain part or the whole service charge without passing it on to their workers, so this Bill will deal with that. Some hon. Members have asked me whether this legislation will also cover credit card deductions and administrative costs, and some businesses have raised that issue with me too. Since 2018, payment processing fees cannot be passed on to consumers. In line with that, employers will not be able to deduct payment processing fees from tips—that also includes mandatory and discretionary service charges which are added automatically on to customers' bills by some hospitality venues. My hon. Friend the Member for Workington (Mark Jenkinson) will be relieved that that will no longer be the case, as he has probably had arguments on that front in the past. Administering tips should not impose significantly on a business's operating costs, but that credit card admin

charge might be significant for an individual. Two or three payments can be significant for an individual when we are talking about tips. So, again, this is about fairness; businesses do not incur a significant cost in respect of this money from tips, but if it were taken off the staff, it would be significant for them. It is important to include that provision in the Bill and to put what I have just set out on the record.

Ensuring that tips are passed on to workers in full, with no deductions by employers, will make a real difference to workers' lives, while not creating a burden on businesses. As I noted earlier, an important practical aspect of the Bill will be the code of practice, which I will expand upon now for a few moments. The Bill includes provisions for the Secretary of State to issue a statutory code of practice, which will promote fairness and transparency in relation to the distribution of qualifying tips, and help tribunals determine whether it is fair for an employer to make certain *tronc* arrangements. Employment tribunals must have regard to relevant provisions of the code when determining whether an allocation of tips or making of certain *tronc* arrangements is fair. The code will consider some of the factors that may be relevant to fairness and will provide a number of examples and real-life scenarios that exemplify fair tipping practices, to help reflect the myriad circumstances in which employers can handle tips in an acceptable fashion. The hon. Member for Neath (Christina Rees) mentioned engagement, so let me say that the code will be published in draft and consulted on before the relevant sections of this legislation come into force. The code will also require approval from both Houses of Parliament. I hope that that reassures colleagues across the House that there will be scrutiny and that we will ensure that it is covered fully. The defining principles of the Bill will need to capture the nuances of fairness. As I have mentioned, I want to engage widely to ensure that the code of practice really works. I welcome anyone reaching out to me after Second Reading. If the Government and the Minister support the Bill going through to the next stage, and the House joins us in that approach, I will be really keen to engage and hear hon. Members' points.

One of the core issues is remedies and enforcement. Crucially, the Bill will be enforced by workers through the employment tribunal system and will provide employment tribunals with remedies where an employer has made deductions from tips or has not allocated tips in a fair and transparent way. If an employer does not allocate tips fairly among workers, the employment tribunal can make an order that does one of three things: require the employer to revise any allocation of tips that they have made, recommend that the employer deals with tips in a certain way, or require the employer to make a payment to one or more workers so that they receive the tips that they should have received.

The employment tribunal may additionally compensate workers by up to £5,000 for related financial loss attributable to a breach of the provisions. Workers will also be able to make a complaint to an employment tribunal if their employer does not keep sufficient records relating to tipping practices; the tribunal can order the employer to compensate workers by up to £5,000. It is worth noting that workers must consult ACAS before bringing forward a claim. The majority of employment disputes are settled before they reach an employment tribunal.

I would like it to be absolutely clear that nothing in the Bill will make changes to taxation for employers or employees. It is purely about employees' rights and workers' rights.

I will conclude my remarks because I want to hear the fantastic speeches that are no doubt coming up. I thank the Minister and her predecessor, my hon. Friend the Member for Sutton and Cheam (Paul Scully), for their incredible support with the Bill; I hope that I can convince colleagues to get it over the line today. I thank everyone who has helped me to introduce it to the House: hon. Members past and present, constituents and my fabulous Watford businesses and residents, who have repeatedly raised the importance of the issue. As we are all aware, the private Members' Bill process is fragile, so I am keen to work with all hon. Members, all organisations and everyone I can to make sure that the Bill works. I urge the Minister to support it.

**Mr Deputy Speaker (Mr Nigel Evans):** We have all learned a new word today: "*tronc*", which I will try in Wordle later.

11.38 am

**Felicity Buchan (Kensington) (Con):** I apologise if I sound repetitive, but I said I supported the previous Bill today because it was the right thing to do, and I support this Bill because it is the right thing to do. I think my constituents, who probably spend quite a lot of their take-home pay in restaurants and bars, would be very shocked if they learned that their tips, whether or not made by credit card, are actually the legal property of the restaurant owner. That would really surprise people.

The timing of the Bill is important because hospitality clearly faces major challenges, particularly in recruiting staff. The more we can professionalise the hospitality sector and its employment practices, the better: it will make it more likely that restaurants and bars can be fully staffed. That is very important to me, because I represent a central London constituency. My constituency of Kensington and that of my neighbours in Westminster probably has the greatest density of restaurants, bars and other leisure facilities so the Bill is very important to residents.

I was shocked to hear that my local gastropub is no longer able to open on a Monday or Tuesday, not because it does not have the clientele—it is always overbooked, with people waiting for tables—but simply because it cannot get the staff. We cannot have a situation in which businesses, which are so important for livelihoods and for the general economy, cannot operate because they cannot hire staff. The Bill will go a small way towards making the hospitality sector more attractive to staff because they will have a legal entitlement to tips and will not simply have to wait for their employer to do the right thing.

Staffing in this sector is going to be so important going forward. We need to ensure that we have workers who can keep the economy going. In London the tourist season is beginning to start again. I am delighted to see in my constituency that not only domestic tourists but lots of international tourists are returning. So it is important that restaurants, bars and other leisure units can continue to function.

Doing the right thing is critical, and professionalising the industry is also very important. This is good timing, because as we are all aware, workers are suffering from

[*Felicity Buchan*]

the effects of global inflation—it is global; it is not a UK issue. So it is very important that employees are getting the proper pay package. I was shocked to hear that in the past some employers even used tips to make up the minimum wage. Clearly, that is no longer happening. It has been ruled out, but it is important that the intention of consumers is fulfilled. The intention of consumers is important. When I eat out, I give an extra 12.5%, not because I think that my burger should have cost 12.5% more but because I think that the waiter and the other staff deserve that extra remuneration.

The statutory code of conduct will be critical; we should not diminish its significance. How tips are allocated among staff will be important. Lots of staff work in these establishments, not simply the waiter who comes to the table. So getting the fair balance between the frontline and backline staff is going to be important. We should not diminish the significance of that. I am well aware that the Bill is just one step, and getting the details right is going to be critical.

My hon. Friend the Member for Watford (Dean Russell) spoke about the consultation that he has already done, but I encourage him to ensure that the detailed consultation carries forward. I am well aware that lots of restaurants are hierarchical institutions and perhaps the person who cleans the dishes in the back of the kitchen is not recognised to the same extent. However, clearly that person is integral to the restaurant. We, as consumers, may not see them, but they are critical and it is important that they are recognised.

I very much welcome the Bill, and it is shocking that the provision is not already the law. I appreciate the efforts of my hon. Friend the Member for Watford (Dean Russell), who introduced this Bill in 2021 but dropped it in anticipation of the employment Bill. Although I am sure the employment Bill will happen at some point, it was not in the Queen's Speech, so it is good that my hon. Friend has introduced this private Member's Bill.

This Bill is a great first step in getting things right for employees, but it is also an important step in ensuring employers are on a level footing and trading on an equal basis. Restaurants that do the wrong thing by their staff should not be in a better competitive situation because they are able to offer cheaper prices to consumers. This Bill is good not only for employees but for employers, because it puts everyone on the same footing and ensures that employers do right not only by their employees but by their consumers, who give tips in the full expectation that they are paid to employees.

I am fully supportive of this Bill. There is no question but that it is the right thing to do. It is important for my constituency, where so much of the economy is made up of restaurants and bars in the night-time economy. I am very grateful for the Bill on behalf of my constituents.

The Bill is also important because it further professionalises the sector, and we will find that many employment practices have to be professionalised in the post-coronavirus world, because only then will employers be able to recruit staff. In every regard, this is an important Bill that formalises what we all think is right, that employees should be able to retain their tips. The Bill fulfils the expectation of every consumer when they go out to eat and drink, and long may that continue.

**Wes Streeting** (Ilford North) (Lab): On a point of order, Mr Deputy Speaker. The Met Office has issued its first ever red warning for the heatwave that the country is likely to experience on Monday and Tuesday next week. Has the Department of Health and Social Care given you any notice of its intention to make a statement to this House about the health consequences for the public, not least given that this red warning means there is likely to be a risk to life?

Of course, our newspapers, television screens and airwaves are full of reports of overwhelmed ambulance services and accident and emergency departments. Given that the Secretary of State for Health and Social Care failed to answer my urgent question on Wednesday, I would have thought that invisible man might make an appearance today to advise and reassure the public that our public services and emergency services will be able to cope in the light of this emergency.

**Mr Deputy Speaker (Mr Nigel Evans)**: I thank the hon. Gentleman for his point of order, and for giving me forward notice. I have been given no notification that there will be a statement from the Department of Health and Social Care, or any other Department, today. Should that change, the House will be informed in the usual manner via the announciators.

It is timely that the hon. Gentleman makes this point of order, as people should take advice in these unusual circumstances. People should take water with them when they travel, they should make sure there is plenty of ventilation and they should seek attention if they are feeling unwell. I thank him again for his point of order.

11.49 am

**Darren Henry** (Broxtowe) (Con): I thank my hon. Friend the Member for Watford (Dean Russell) for presenting the Bill, and for allowing me to contribute to the debate.

I often tip, whether it is the barber or someone in a restaurant or pub, and I enjoy tipping, because I want to reward the people who have worked so hard to give me good service. It is always my hope and intention that the tip will go to the worker who has provided the service that day. Conversely, I would rather not tip someone who had provided a surly or otherwise poor service. In a restaurant in Broxtowe, for instance, I want my tip to go to the waiters and chefs in recognition of, and gratitude for, their great service. I am therefore delighted that the Bill seeks to create a legal obligation on employers to allocate “tips, gratuities and service charges” to workers, without any deductions.

This situation—the unfair distribution of tips—has been going on for a while now. It was in 2015 that the then Business Secretary, my right hon. Friend the Member for Bromsgrove (Sajid Javid), launched an investigation of the abuse of tipping practices. I know that many employers rightly give the tips to their workers, but my hon. Friend seeks to create a level playing field through legislation, which will not only make competition fairer for businesses, but ensure fairness for the employees who work so hard.

I am pleased that the Bill draws attention to this issue, especially given the immense suffering that the hospitality sector had to endure as a result of covid-19. It will ensure that we maintain the incentives for people to work in the sector, and aid its continued recovery following covid, and I congratulate my hon. Friend again on presenting it.

11.52 am

**Jill Mortimer** (Hartlepool) (Con): I congratulate my hon. Friend the Member for Watford (Dean Russell) on this important and necessary Bill. Let me echo his sentiments in saying how great it is that after more than two years of lockdowns and restrictions, we are once again talking about visiting our fantastic local restaurants, pubs and other hospitality venues. We have no shortage of those in Hartlepool: Portofino, The Pier Restaurant, Sambuca, The Owl, No 8 and Juniper Lounge—all of them just a short step away from my office—along with LilyAnne’s and the fabulous Railway Café, run by Lesley. I urge anyone who is able to do so to take advantage of this wonderful weather and visit our marina in Hartlepool, because it will be like the Riviera there this weekend.

The employees in all these venues always provide an excellent service and work extremely hard. They deserve every penny of their tips, and I know that their employers—and, indeed, most small businesses—agree with me. Unfortunately, some businesses, usually the larger high-street chains, do not pass on gratuities to their staff. No one wants to see that extra service charge on their Bill and have to wonder whether the money will go to the person who has provided the service. I have done the same as my hon. Friend the Member for Workington (Mark Jenkinson): I have said quietly to the server, “Will this come to you?” and if I see a nervous shrug, I ask for the charge to be removed and I give the person cash. These are often young people, including students who are topping up their incomes by working their way through university or college. We need to ensure that they receive the money that they deserve.

The Bill will ensure that tips are always passed on to employees and divided fairly, and I am proud to be supporting it. As inflation and the cost of living increase, it is more important than ever for hospitality staff in Hartlepool and elsewhere to keep their tips. I realise that some businesses fear that these changes may have a negative impact on their finances—that is why it is so important that we continue to support them through the aftermath of the pandemic, as indeed we are—but I am also aware that businesses which ensure that their staff are properly rewarded for hard work and providing service with a smile will, in the long term, increase their customer base, their revenue and their income. I know I go back to places where I like the staff and get to know them. The bar where everybody knows your name is the one you always want to go to.

Rewarding hard work and good customer service would also ensure a welcoming and friendly atmosphere in our hospitality venues, encouraging more people to come together in our pubs, restaurants and cafés, and thereby strengthening our communities and social fabric. For too long, people have stayed at home watching Netflix, and they need to go out and talk to one another again. It is so important, especially after covid restrictions and being confined to our homes, that we promote measures that enhance our sense of community, which has always been strong in Hartlepool, and I am sure this Bill will do exactly that. This Bill is certainly overdue, and I am glad to be supporting it today.

11.55 am

**Edward Argar** (Charnwood) (Con): I very much welcome the Bill from my hon. Friend the Member for Watford (Dean Russell). As you will know, Mr Deputy Speaker,

he is nothing if not persistent once he has a cause to pursue. I recall that he introduced this Bill in 2021, and as it did not proceed into law at that stage, he is back again and determined to get it through the House on this occasion. I am very happy to be here today to support him in that endeavour.

A lot of the speeches have focused on the hospitality industry—restaurants, bars and similar—but of course, as has been mentioned, this issue is drawn more widely than that and goes across the broader service industry of hairdressing, barbers and so on. A whole range of services are impacted by the issue that my hon. Friend is highlighting today.

Many of our constituents will be unaware, and would be surprised were they made aware, that there is no law—no statute—that directly addresses this issue, and that tips or service charges paid through the business are legally the property of that business. Therefore, it is down to the good will of that business or the approach of that business to ensure that tips get to the staff for whom they are intended. There is no statutory protection of that currently.

Yet as my hon. Friend and my hon. Friend the Member for Kensington (Felicity Buchan) have said, when any of us or any of our constituents go to a restaurant or the barber and pay a tip, we do it because we want to reflect to the members of staff who have provided exceptional service or courteous and friendly service to us that we recognise that service and want to reward them directly for it.

I take the point made by my hon. Friend the Member for Kensington, which is absolutely right, that this is not just about those who are front of house with whom we interact, but about the people in the kitchen, those doing the washing up, and a whole range of others who play a key part in the experience we have enjoyed. It is right that tips are distributed fairly among those who have played a role in our experience. None the less, we expect those tips or service charges to go to those people who have done the work for us, so I very much welcome the Bill.

My hon. Friend the Member for Watford was absolutely right to highlight throughout his speech the word “fairness”, and the Bill goes to the heart of that. It is about fairness to those who are providing the exceptional service and fairness to consumers who believe that the tips and service charges they are paying will go to those individuals. At this point, I should of course pay tribute to the campaigners and to the staff who do the amazing job. I also pay tribute—as the hon. Member for West Ham (Ms Brown), who is not in her place at the moment, highlighted—to Unite the union and others who have been pressing this issue.

When I first entered the House in 2015, this was one of the issues running hot in the news. At that stage, the evidence suggested that about two thirds of employers took some form of deduction from tips or service charges, and sometimes as much as 10%. Of course, there has been progress since then, which is very welcome. However, during the pandemic, people developed behaviours—I do not think they have changed subsequently—of paying for things less with cash and more with cards, therefore putting any tips or additional money through the business in that way. I think the Bill is very timely, and it is the right thing to do.

[Edward Argar]

As has been set out, the Bill creates a legal obligation essentially to allocate tips fairly. Rightly, it does that through a statutory code of practice. That is the right mechanism because it allows for a degree of flexibility and the code to be developed in slightly slower time. There will be complexities, which hon. Members have highlighted, relating to businesses and how to define particular elements, so that is the right approach in such a complex landscape.

The other point highlighted is about people—staff and consumers—being aware. Transparency is vital in this space, so I welcome the inclusion, in the opening remarks from my hon. Friend the Member for Watford, of a written policy that gives people transparency and an understanding of what they can expect, but also—

**Jill Mortimer:** Does my hon. Friend agree that that is one of the greatest problems with this? Relatively recently, we have always had on bills an optional service charge that is anything but optional. Many people pay it without even really looking at it or considering it, and no one knows if the money goes where it is intended to go and should go. The Bill will make the very important change that we need.

**Edward Argar:** My hon. Friend is absolutely right. That goes to the heart of transparency and openness to the consumer but also to those working in this context. My hon. Friend the Member for Watford, in drafting and presenting the Bill, has, as ever, been diligent. He has set out the route to an employment tribunal, which will be an option, and given those tribunals the remedies they need to make redress, should they find a particular employer has not complied with both the spirit and the letter of the Bill and the code of practice.

From my understanding of the Bill, this is hugely important. The Bill has only 15 clauses, but they are important and tightly drafted. It addresses not just the passing on of tips and service charges without their being top-sliced and deducted, but the vital need for fairness in how they are distributed between staff.

I am absolutely delighted to support my hon. Friend's Bill. It is about fairness to consumers, but most importantly fairness to the staff who day in, day out provide all of us with exceptional service. They have been through a challenging time. It is important that we recognise this in statute. I suspect many businesses do the right thing and it is always a shame when one has to legislate, but it is right, just as with the previous Bill we debated, to do the right thing by those who provide exceptional and courteous service to us. It is about the kind of society we wish to see and the approach we wish to see within that society. I welcome my hon. Friend's Bill. He has my complete support and I very much hope that it will have a smooth and swift passage on to the statute book.

12.3 pm

**Saqib Bhatti (Meriden) (Con):** I pay tribute to the Under-Secretary of State for Business, Energy and Industrial Strategy, my hon. Friend the Member for Loughborough (Jane Hunt). This is the first time I have had the chance to speak with her at the Dispatch Box. I worked closely with her while chairing the all-party parliamentary group for small and micro businesses.

She was the vice-chair and was always a great source of support and an advocate for small and micro businesses. I wish her all the best and long may it continue.

I also pay tribute to my hon. Friend the Member for Watford (Dean Russell) for doggedly pursuing this agenda and pushing the Bill. The west midlands has been known for its great exports over many centuries. You may not know this, Mr Deputy Speaker, but my hon. Friend was born in my constituency, so I am glad to count him as one of the exports that is continuing to do great things in Parliament and for the people of Watford. I thank him for bringing the Bill forward. As my hon. Friend the Member for Charnwood (Edward Argar) said, it is about equity and fairness. My hon. Friend the Member for Watford has pursued this agenda and made sure that the Government recognise the importance of tips in the lives of hospitality workers. I must say, I am a bit surprised that we are even having to have this debate. So many times when I have experienced the great hospitality in my constituency, I have wondered whether my tips actually reach workers' pockets, and whether a service charge goes to the employees or is for the services that the business—the employer—is providing.

I am pleased that there will be a code of practice to try to address the imbalance in equity and fairness. My hon. Friend the Member for Charnwood said that the majority of businesses do the right thing, and we should recognise that. The majority of hospitality businesses make sure that their staff are taken care of and instil equity and fairness, but clearly that is not the case right across the sector, which is why we need the Bill.

It may well be that we are not a tipping society. Across the pond in the United States, tipping is an integral part of the hospitality sector. When I or my friends have been there, we have always been told, "Please make sure that you tip, because it is part of the income of hospitality sector workers". It would be remiss of me not to recognise the Government's great work in getting the national living wage to where it is, but tips are a necessary add-on. Given where inflation is, the Bill is a timely way of addressing issues of equity and fairness.

I have a number of points to raise with the Minister, and I am sure she will address them. On service charges and the code of practice, when I speak to hospitality businesses, they tell me they have not had an easy time over the past few years. It has been incredibly challenging, for obvious reasons—lockdowns are not a friend to many parts of the economy, but specifically to businesses in the hospitality sector. They have had to try to survive, and many have been grateful for the support that the Government have given them, whether business rates relief, bounce back loans or the furlough scheme. Those have all been great assets. I was intrigued to learn that where businesses in the hospitality sector were able to take advantage of the furlough scheme, many of their workers ended up getting second jobs and then did not return to the original employer because they were being paid much more. That has contributed to a significant shortage of workers in the sector—a shortage that was already there pre covid. The issues with skills are of long standing, but they have been made more acute by the decisions that people have had to make during covid.

In that context, a tipping system that is in statute, supported by a code of practice, and embodies elements of fairness, equity and justice—those quintessential British values—will certainly go some way to addressing

the acute skills shortage, so it could be an asset to the hospitality sector's ability to start recruiting again. It is not the only way we need to address the issue, and I am sure the Minister will be working hard to look at that, but it will provide great support. I hope she can provide some clarity on that.

The other aspect of the Bill is service charges. I am less confrontational than my hon. Friend the Member for Workington (Mark Jenkinson), and I sometimes do pay the service charge, not knowing whether I can or should challenge it. Perhaps I should channel my inner Workington man—

**Jill Mortimer:** Or Hartlepool woman.

**Saqib Bhatti:** Indeed. However, the question still stands: if a business deems a service charge necessary for the service that it provides, how will that be addressed? What I do not want to see is an additional line with a new name, adding a new cost that consumers have to pay. That may well undermine the notion that we should tip, because we will already be subjected to another percentage fee. Perhaps that is something that the code of practice will look at.

While I have the Minister's ear, let me reflect on a roundtable I attended in the past two to three weeks at Nailcote Hall, which is a great hospitality venue. Meriden, bordering Birmingham and Coventry in a beautiful setting in the west midlands, and with the airport and great connections, is a great place for hospitality businesses to flourish. When things are great, it is fantastic to see the hospitality sector thriving, but in the post-covid world, a lot of my inbox has been taken up trying to address the issues that those businesses face. In the early days of covid, that meant trying to get liquidity and loans to help them survive and then thrive, and now it means helping them through the issues that they currently face.

The hospitality sector wanted me to send a clear message to the Government that while they have had a reasonably good period of post-covid recovery, during which people have returned, a lot of work still needs to be done. We should not underestimate the damage that covid has done to the hospitality sector. I return to the point about having clarity in the code of practice. I think hospitality businesses would welcome that guidance.

On that note, I pay tribute again not just to hospitality workers but to the majority of businesses that recognise how important their workers are, how important retention is and how important it is to create an environment in which they are able to recruit. The staff, of course, make up and define a business, and for the businesses that do not have a good environment, their reputation gets out there. I wish we did not need this Bill. Businesses should be doing the right thing. The majority of businesses do; I understand why they do that. I would welcome a meeting with the Minister to discuss some of the issues around the hospitality sector and what more we can do.

Finally, let me reflect on something that my father always said—I say “said”; he still runs the business and adheres to this. He always says, “If you take care of your staff for even one day, they'll take care of you for a lifetime.” That is certainly the approach that I took in business, and I hope that I can take it forward in whatever roles I have throughout my life.

12.13 pm

**Kerry McCarthy** (Bristol East) (Lab): I congratulate the hon. Member for Watford (Dean Russell) on bringing the Bill forward and on securing a place in the ballot so that it stands a chance of becoming law. I also thank the hon. Members for Kensington (Felicity Buchan), for Broxtowe (Darren Henry), for Hartlepool (Jill Mortimer), for Charnwood (Edward Argar) and for Meriden (Saqib Bhatti) for their contributions. They all have very simple, one-word constituency names, which is quite a relief after the previous debate.

There was a common theme in all those speeches: customers want to do the right thing by the serving staff and other people who deserve tips—hairdressers, people in nail bars or whatever—but it is sometimes difficult to be sure that the money we give because we want to reward the person who served us will go to that person. This is very much a question of fairness and wanting to treat people right.

In the previous debate, we talked about how all employers would probably want to do the right thing by a member of staff whose child was born prematurely or was sick, but that they might not be in a position financially to do so. I think this is a slightly different situation, because there is not really an excuse for not passing tips on to staff, even if a hospitality business is struggling. We know there are pressures on them from business rates, the impact of covid closures and staff shortages. Speaking to people in the restaurant trade, another pressure is the cost of some of the basic ingredients and such things as fuel bills. We know that they are under pressure, but no matter what, that is not an excuse for holding on to tips that deserve to go to the people who are being tipped.

The issue affects so many people. About 2.5 million people work in the hospitality sector, representing more than 7% of the workforce. As we have heard, often they are younger people, and it tends to be an ethnically diverse workforce. Because of the turnover in the sector—in some ways it is a casual job, often on zero-hours contracts, and there is often illegal working as well, and there is a job to be done in trying to stamp that out—the workforce are particularly vulnerable to exploitation and not being able to assert their rights.

I pay tribute to Unite the union in particular. It is a difficult sector to organise in, because it is not like one big factory with a workforce who tend to be there long term, who all identify with each other and who are in the same place. It can be difficult to fight for people's rights in this sector, but Unite has done a good job. There was a case recently where Pizza Express was found to be deducting 50% of card tips from its staff who were on minimum wage. That was reducing their incomes by about £2,000 a year. Thanks to Unite taking action, the policy was scrapped and the company has now returned to a more equitable system where front of house staff keep 70% of the tips they make. Anyone going to Pizza Express would not have been expecting that sort of practice to be going on, and it is good that that changed. It was reported that some workers cried in relief when the change was made, because having those tips makes the difference between them being able to get by and not.

I think it was the hon. Member for Kensington who talked about the national minimum wage, which was introduced by the Labour Government, and in 2009 we

[Kerry McCarthy]

had to make it illegal for tips to contribute to the national minimum wage. That was the right thing to do, and I am proud that we did that when we were in government, just as I am proud that we introduced the national minimum wage to begin with. As we are all being consensual and working cross-party today, I will not dwell on how difficult it was to get the national minimum wage through. You were probably here at the time, Mr Deputy Speaker, but it was before I was elected. I gather that the debates went all through the night, people had to sleep in their offices and it was difficult, but I am glad that we have converted those on the Government Benches and they now accept it. I genuinely mean that. The fact that Conservatives are now boasting about support for the living wage shows that we won the argument, and I welcome their support for Labour policies. I hope that after the next election, they will be on this side of the House supporting everything that we do.

As I have said, so many people work in the hospitality and tourism sectors, and many of them are vulnerable to being exploited. The Resolution Foundation reported that in 2019, 52% of workers in the hospitality sector were low paid compared with 15% of all workers. The sectors are hard-hit by the pandemic, and tips can make a huge difference. It is disappointing, as with the previous Bill we considered today, that this issue has not been addressed as part of the employment Bill we were expecting from the Government, but that was shelved ahead of the Queen's Speech. The hon. Member for Watford shelved his previous attempt to get a Bill on this issue through because he was expecting it to be covered in the employment Bill. There is so much that we could legislate for. The Government promised action in 2016, and again in 2018, and it was in the 2019 manifesto.

I remember that after my hon. Friend the Member for Bristol North West (Darren Jones), who cannot be here today, was first elected in 2017, he had a Westminster Hall debate on this subject. It was he who first introduced me to the word “tronc”. Every time we were in the Tea Room, he seemed to want to talk to me about trons. This debate has brought back memories. He did very well in coming near the top of the private Member's Bills ballot a few years ago and wanted to introduce a Bill on tips, but he also wanted to introduce a Bill that would become law, because that does not happen often: I have been here 17 years and I have never managed to get a place in the ballot. When he spoke to the Department, it would not support his Bill, so he introduced something else that was very worthy but would not get much attention, because he wanted to do something the Government would support.

I think it was 2020 when my hon. Friend introduced his other Bill, so it is excellent that something has moved since then, and I am glad the Government have now managed to find a working arrangement with the hon. Member for Watford. He detailed some of the concerns that will have to be addressed in Committee, as did other hon. Members. There are some things still to be thrashed out, but I hope that Labour members of that Committee will be able to be part of a constructive working relationship and that we will get this Bill into law as soon as possible, so that the people on the receiving end of the tips can start to see the benefit.

**Mr Deputy Speaker (Mr Nigel Evans):** I should have said this during the last debate, but I will say it now: I welcome the Minister to her new role.

12.20 pm

**The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Jane Hunt):** Thank you very much indeed, Mr Deputy Speaker.

I thank my hon. Friend the Member for Watford (Dean Russell) for bringing this important Bill forward. He is well known for his hard work both for his Watford constituents and in supporting his colleagues, but now he will possibly be able to transform the whole country, based on this work.

I am pleased to confirm that the Government will support this Bill. Bringing these new rules into force will give new protections to millions of workers in industries where tipping is common, such as hospitality. This is especially crucial now as we continue to recover from the pandemic.

Hon. Members were given quite detailed information about their own constituencies to help them during the pandemic, and I was surprised to find that there are 3,000 people employed in the hospitality sector in Loughborough alone. That equates to exactly the same number as my biggest employer, so that was quite a surprise and very interesting.

It is good to hear support for the Bill in this House. I will take some time to address some of the points hon. Members have raised today, but first I will speak a bit more about why the Government are supporting it. Many were appalled to hear the stories a few years ago of bosses wrongfully pocketing tips intended for their workers—money left by customers who wanted to recognise the hard work and excellent service they had received from the staff.

That is why my Department took action to understand the scale of the problem. We launched a consultation to determine whether previous voluntary guidance in this area was sufficient. We have continued to develop policy positions based on evidence and conversations with stakeholders. The Government believe that tips should go to the workers who earn them and that businesses that withhold tips from staff are wrongfully benefiting from money intended for hard-working staff. While many businesses already pass tips on to staff in full, our evidence shows that nefarious practices persist, with businesses deducting up to 10% in some cases.

Some people have raised concerns with us that bad practice has increased since the pandemic. The Government are therefore pleased to support the changes in the Bill, and I will reiterate some of the key details about what the new rules will and will not do. As my hon. Friend mentioned, upon passage of the Bill the rules will prevent employers from making any deductions when distributing tips, apart from those required or permitted by existing legislation such as tax law.

We are not making any changes to tax law under the new rules. How tips are treated for purposes of taxes and national insurance contributions depends on whether they are made in cash or by card and whether they are made directly to the worker or processed by the business or by independent tronc. That will remain the case.

Under this Bill, anyone who is a worker will benefit from new rights, but it does not cover those who are self-employed. The rules will apply across all sectors,

and that is the right thing to do. However, to be clear, businesses that do not normally deal with tips will not be significantly affected by the Bill. This is also a good opportunity to remind the House that tips already cannot be used to count towards national minimum wage pay. That has been the case since 2009.

**Chris Stephens** (Glasgow South West) (SNP): I am grateful to the Minister for re-emphasising that point. Will she confirm that it is still the Government's intention to pursue rigorously employers who are still trying to make tips part of the national minimum wage and that those companies should be named and shamed, as is currently the case?

**Jane Hunt:** I thank the hon. Gentleman for his question, and I can tell him that, yes, that is absolutely the case.

I will now talk about the proposed code. A voluntary code of practice on this topic was published in 2009. Our evidence shows that voluntary guidance alone has not been enough to stamp out bad practice. This Bill will therefore require employers to have regard to a statutory code of practice. The code will continue to be developed in partnership with key stakeholders, and will be subject to a full consultation period before the final version is brought to the House for approval. The code will outline a fair and transparent allocation of tips, as set out in different example scenarios. It is very important that the code continues to be developed with stakeholder input, so that we do not inadvertently disallow certain arrangements that are considered fair in some workplaces for the benefit of both businesses and workers. It is important that the code can be updated in the future with the approval of Parliament but without any primary legislation, in order to keep up with changing practices.

I will now address some of the specific points made by colleagues in the debate. I thank my hon. Friend the Member for Watford again for all he has done. He raised a matter where I almost have to declare an interest, in that my husband interrogates the waiters whenever we go out to make sure that they are going to get the tip—it is surprising how many say that they will not get it. My hon. Friend the Member for Kensington (Felicity Buchan) clearly showed a good understanding of her local businesses and her constituency. She talked about burgers, and I quite agree that it is the service we pay for in the tip, not the burger itself. As she said, each establishment will create its own fair system available to everyone working there, so that the kitchen staff and cleaners can be included. They can decide what they want to do and that will then be followed. She also referred to consumers, and the Bill is fair to them as well. They are within my brief too, so I would like to be fair to them. I commend her for what she did while working in the Department for Business, Energy and Industrial Strategy until recently.

My hon. Friend the Member for Broxtowe (Darren Henry) talked about his experience and examples from restaurants in Broxtowe, and I can speak from experience when I say that the restaurants there are very good indeed. My hon. Friend the Member for Hartlepool (Jill Mortimer) talked about the great variety of restaurants on the Hartlepool riviera, which provide such great service to the people of Hartlepool—again, she is to be commended. My hon. Friend the Member for Charnwood (Edward Argar) talked about statutory protections that

are currently lacking in the system and about rewarding the service given. He referred to the need to be timely and fair, and the word “fair” comes through again and again in this Bill. He is absolutely spot on.

I thank my hon. Friend the Member for Meriden (Saqib Bhatti) for his kind words and I thoroughly enjoyed working with him on the all-party group for small and micro businesses. He talked about a shortage of workers because of the pandemic, and indeed previous to that. I hope that this Bill will attract workers to the sector and help it to become one where people can form a career and get on in life. I am happy to meet him to discuss the hospitality sector, as he requested.

The shadow Minister, the hon. Member for Bristol East (Kerry McCarthy), referred to her surprise about some of the well-known businesses that have been taking tips. I absolutely agreed with her on that, as I was surprised as well. Conservatives always support hard work, and I think that is the vein in which we have been talking more than anything else.

The hon. Member for West Ham (Ms Brown), and my hon. Friends the Members for Watford, for Cheadle (Mary Robinson) and for Meriden raised concerns about employers using tips to top up low-paid workers. The law is clear: tips, gratuities and service charges cannot count towards the minimum wage. The Bill does not alter that position, and under these proposals employers cannot use tips to make up national minimum wage pay. My hon. Friend the Member for Meriden rightly said that we need more workers to get the pay and tips they have earned, to help promote employment in the sector, as I mentioned. Actually, there is no need to wait for this Bill to be passed; the sector should put its plans in place well in advance.

My hon. Friend the Member for Watford referred to deductions from tips for card payments and admin fees. To be clear, under this policy, employers must pass on all tips to workers without any deductions, other than those required or permitted by existing legislation—for example, normal tax rules will apply. They cannot make any deductions to cover the costs of running a business, including the cost of processing card transactions or other administrative costs.

My hon. Friends the Members for Watford and for Meriden referred to clarity around the code of practice. As I mentioned, the statutory code of practice will be published and consulted on before being laid before both Houses of Parliament for approval. The code will be developed through consultation in partnership with stakeholders. We hope to start informal discussions on the draft code later this year. There will be more formal consultation on a draft after the Bill has received Royal Assent. The code will provide details on when the Bill applies, how many employers should distribute tips fairly, tronc arrangements, employers' tipping policies and record keeping. It will also include illustrative scenarios, such as sharing out tips between front of house staff and kitchen staff.

In conclusion, bringing forward these new rules will protect more than 2 million workers from bosses who do not currently do the right thing, and give them an avenue for seeking remedies. Businesses will be assured that they are not being undercut by companies where bosses are keeping tips for themselves, and consumers will have increased confidence that their tips are going to the workers they intended them for. The new rules

[Jane Hunt]

are backed by previous Government evidence and analysis. The Government are therefore pleased to support this private Member's Bill.

**Chris Stephens:** I thank the Minister and I congratulate the hon. Member for Watford (Dean Russell) on bringing forward this important Bill. I make a similar plea to hon. Members about the previous Bill: will she discuss with the Leader of the House how we can get the legislation through quickly? I would like to take part in Committee if possible.

**Jane Hunt:** Yes, of course I will ask about that. There are reasons, related to HMRC and that kind of thing, why it might still be delayed, but I will do exactly as the hon. Gentleman requests.

It is good to see the support for the Bill in the House today. If we take away—takeaway is the operative word, given what we are talking about—one thing, it is fairness. I look forward to continuing to work with the Member in charge of the Bill, my hon. Friend the Member for Watford, who is a dear friend and works tirelessly for the people of Watford, and with stakeholders to support the passage of the measures.

12.32 pm

**Dean Russell:** With the leave of the House, I thank all hon. Members for their contributions. We heard from my hon. Friend the Member for Kensington (Felicity Buchan), an intervention from the hon. Member for Neath (Christina Rees), and from my hon. Friend the Member for Meriden (Saqib Bhatti)—I did not realise I was one of the great west midlands exports, but that is

wonderful to know. We also heard from my hon. Friends the Members for Broxtowe (Darren Henry) and for Hartlepool (Jill Mortimer)—I will endeavour to attend the Riviera as soon as I can.

I particularly liked the speech from my hon. Friend the Member for Charnwood (Edward Argar). In his previous role, in which he was always fantastic, I would normally be lobbying him about my hospital, so it is wonderful to hear him talking about hospitality instead—slightly different. We also heard from the shadow Minister, the hon. Member for Bristol East (Kerry McCarthy), and the hon. Member for Glasgow South West (Chris Stephens). I give my heartfelt thanks to the Minister, at the end of her incredibly successful first week in the role, for signalling the Government's support for the Bill. To know that we will hopefully change the lives of many millions of people across the UK is incredible.

I hope that hon. Members on both sides of the House agree that this is an important piece of legislation to ensure fairness and transparency for workers and employers. I am hugely grateful to everyone who has campaigned and fought for tips to be fairly given to workers for such a long time; it is wonderful to know that I am standing on the shoulders of giants. The Bill represents a great opportunity to tackle the rising cost of living, to increase consumer confidence and to help ensure that hard-working individuals get the money they have been given and deserve. I hope this Bill will go through the House with full support, and when giving a tip as a thank you at the end of meal I look forward to not having to say, "Will you get all of this?" Hopefully that day will come in the next few months. I commend the Bill to the House.

*Question put and agreed to.*

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

## Shark Fins Bill

### Second Reading

12.35 pm

**Christina Rees** (Neath) (Lab/Co-op): I beg to move, That the Bill be now read a Second time.

I welcome the new Minister, the hon. Member for St Austell and Newquay (Steve Double), to his place. Having recently spent about six weeks with him in Committee, where he was absolutely superb, I am sure he will be just as successful in his new role as he was in his old role. I thank all Members across the House for their support. I thank the Clerks, civil servants, officials, parliamentary counsel, the Whips—nobody ever thanks the Whips—and my staff. I am delighted to promote this Bill.

I will start by explaining why a ban on the import and export of detached shark fins is crucial to sharks' long-term conservation. Sharks are truly incredible animals. They have been around for over 400 million years—long before the dinosaurs. As top predators, they tell us a huge amount about the health of our ocean and play a vital role in marine ecosystems. Many species of sharks live in UK waters, from basking sharks to blue sharks and even Greenland sharks. The basking shark is the UK's largest fish, growing up to 11 metres long and weighing up to 7 tonnes—about the size of a double-decker bus.

These fascinating species face many threats, the greatest of which is overfishing. Out of 500 shark species, more than a quarter are listed by the International Union for Conservation of Nature, ranging from “vulnerable” to “critically endangered”. The international fin trade is a significant driving force behind shark overfishing. Shark finning is an extraordinarily wasteful and harmful practice in which only 2% to 5% of the shark is even used. Once a shark's fins are cut off at sea, the shark is tossed back into the water to slowly drown. Researchers have found that at least 73 million sharks would have to be killed every year to match the volume of shark fins that are traded in the global market, which is a whopping 1 million to 2 million tonnes a year. While not all of these sharks would have been killed through the shark finning practices, it is likely the fin trade is a significant driving force behind those numbers.

**Kerry McCarthy** (Bristol East) (Lab): I congratulate my hon. Friend on bringing forward such an amazing Bill; I would love to be in her position. When reading up in advance of this debate I discovered that I had not realised the extent to which European countries are involved in facilitating this trade. The market is in Asia, but Portugal, Netherlands, France, Italy and, in particular, Spain are significant players in supplying that market. Does she agree that we should absolutely not countenance that?

**Christina Rees:** My hon. Friend has always been a doughty champion for animal welfare. I will come to her point later in my speech, but I agree wholeheartedly. If we can get the Bill into law, we in the UK will be the leaders in Europe in banning shark finning.

Sharks desperately need our help and protection. I am an animal lover; I have been privileged to open Westminster Hall debates about animal welfare as a

member of the Petitions Committee, and it is a privilege to introduce the Bill today. I grew up near the sea. I spent most of my childhood with my granny, who lived in Porthcawl, a beautiful seaside resort in south Wales. When I was 10, I joined the junior lifeguards and became a surfer. My love and respect for the sea and the marine creatures that live in it has stayed with me throughout my life.

My close encounter with a shark about 10 years ago is typical of the many stories that I could tell about my crazy, unpredictable, funny life. One day, my wonderful daughter Angharad said, “Mum, we haven't had a holiday since I was 10”; she was 26 at the time. I said, “Oh dear, time flies—go ahead and book one,” so Angharad booked 10 days in Australia followed by 10 days in New Zealand. It completely cleaned out my bank account; I was a poorly paid squash coach at the time and had foolishly thought that she would book a weekend in north Wales.

On the Australian leg, we stayed a couple of nights on Green Island, an absolutely beautiful and remote island off Cairns. One day, I was snorkelling in the shadows off the deserted shoreline. Angharad was standing on the rocks and keeping a lookout for stingrays, because we had been warned that they were prevalent in the waters. When I came up for air, she shouted, “Mum! Shark!” I thought, “Yeah, very funny, Angharad.” She was pointing out to sea, so I turned around—and I absolutely froze.

Swimming towards me was one of the most beautiful creatures that I have ever seen: a shark about 2 metres long, looking like a small, sleek submarine. By now, Angharad was shouting her head off, so I came out of my brain fog and ran out of the sea as fast as my little legs would carry me. We stood on the rocks and watched. We were mesmerised, absolutely gobsmacked and many, many other adjectives by how lucky we were to see that wonderful wild creature up close before it majestically swam out into the sunset. That was my encounter with a shark.

Shark finning has rightly been banned in the UK since 2003 and is illegal in many other parts of the world, but it still happens, so we must now ensure that shark fins are not being imported from places where finning practices still occur. This important and timely Bill will make it illegal to import and export detached shark fins. That will help to end practices that are forcing sharks closer to the brink of extinction. The Bill will be a significant step in helping to restore the balance of our ocean.

Clause 1 will ban the import and export of shark fins or items containing shark fins into or from the United Kingdom as a result of their entry into or removal from Great Britain. The ban applies only to fins that have been removed from the body of a shark. Clause 1 also contains a provision for exemption certificates and clarifies some key definitions. More information about the provision for exemption certificates is set out in the schedule. A very strict application process is followed whereby the appropriate authority can issue an exemption certificate only if the shark fins concerned will be used for conservation purposes. This will allow important conservation and educational activities such as improving shark identification skills to continue where needed.

The appropriate authorities for imports and exports of shark fins are the Secretary of State in England, the Scottish Ministers in Scotland and the Welsh Ministers

[Christina Rees]

in Wales. Where someone has deliberately provided inaccurate or incomplete information for an exemption, the appropriate authority can impose a monetary penalty of up to £3,000, which will ensure that the exemptions process is not abused. The Bill contains a power for the appropriate authority to amend the upper limit of the penalty by regulations.

It is important to note that the Bill does not ban the sale or consumption of shark fins. If a shark fin is removed from a shark after it is dead, and the shark was caught legally and sustainably, I do not see why the fin should not be used. In fact, it would be wasteful not to use the whole carcass. Banning the sale or consumption of shark fins that have been obtained ethically would disproportionately impact communities where shark fin soup is considered a traditional delicacy, and that is not what I seek to do.

**Ms Lyn Brown (West Ham) (Lab):** I am listening carefully to my hon. Friend. After reading the Bill's explanatory notes, I am aware that there is a separate exemption for individuals to import up to 20 kg of dried shark fin to the UK for personal consumption. Is that because it is about using the whole shark? I wonder whether something more could be done through the passage of the Bill to ensure that the 20 kg comes from the use of the whole shark, rather than from a shark killed only for its fins.

**Christina Rees:** I am grateful to my hon. Friend for raising that valid point. I am sure that the issue can be thrashed out in Committee, should we reach that stage. I have looked into the research and there are gaps in the data regarding how much personal usage is being allowed, but I know that Border Force does look at that.

**Kerry McCarthy:** I am a little concerned about what has just been said about allowing importation for use—for example, in the restaurant trade—provided that it can be shown that the shark was killed for other reasons. To what extent would people be able to check that that was the case, or would they see it as a loophole, and pretend that the shark had died by other means and that they were using the whole carcass? It is odd to me that someone would kill a huge shark just for its fins, but we know that that is mostly what happens. What safeguards will there be to ensure that people do not exploit that rule?

**Christina Rees:** I thank my hon. Friend for her important intervention. We are both lifelong vegans, so I have thought about the issue greatly. I have never bought a tin of shark fin soup—I wouldn't—or any other tins of soup with bits of animals in, but I am sure that where the content had come from and how it was farmed would be written on the label.

**Kerry McCarthy:** When I raised the issue a long time ago—I think in my early years in Parliament—I received some pushback from the restaurant trade, but I also learnt that a lot of the shark fin soup sold in restaurants is not real shark fin, but because it is seen as prestigious and luxurious, restaurants did not want to admit that it was not the real thing. It was bizarre that people were consuming something that was far more ethical than they thought it was. I am therefore not quite sure whether

labelling would work, because a lot of the product being sold turns out not to be shark fin. That is probably another issue to be thrashed out in Committee.

**Christina Rees:** I am grateful for another superb intervention from my hon. Friend, and I bow to her wisdom. Sometimes we do not get what is written on the tin.

Clause 2 amends article 1 of the shark finning regulation 1185/2003, which forms part of retained EU law, to make sure that shark finning cannot take place by any vessel fishing in UK waters, or by any UK vessel fishing in non-UK waters. That ensures that our domestic protections are of the highest standard. Clause 3 sets out the territorial extent of the Bill and when or how each provision comes into force. As the Bill relates to devolved matters, legislative consent will be sought from the devolved Administrations during the passage of the Bill, but I understand that they are supportive of taking action against the cruel and unsustainable shark fin trade.

I would like to thank stakeholders and colleagues who have contacted me on this important matter, particularly members of Shark Guardian and Bite-Back Shark & Marine Conservation, who have been instrumental in throwing a spotlight on the issue of shark finning for many years—some of them are watching from the Gallery today. Since 2004, Bite-Back Shark & Marine Conservation has been at the forefront of successful campaigns to end the sale and consumption of shark fins and shark products in Britain. In recent years it launched its “No Fin To Declare” campaign—I love the name—exposing Britain's contributions to the global shark fin trade. The charity argues that a decision to ban all import and exports of detached shark fins will establish Britain as a global leader in the conservation of sharks and, ultimately, inspire other countries to introduce their own bans and join the UK in the protection of this keystone marine species.

In 2021, Shark Guardian, a charity based in Nottingham, launched a petition on Parliament's website to ban the British shark fin trade, which secured more than 115,000 signatures, showing the depth of support for my Bill among a passionate and caring British public. Shark Guardian believes that if my Bill is passed into law, that will have a huge and positive knock-on effect on the continent, because the European Union will have to take note of our legislation, and take steps to pass a similar EU law to ban the import and export of shark fin through its borders too, as my hon. Friend the Member for Bristol East mentioned. That is important because Spain is by far the single biggest exporter of frozen shark fins to Hong Kong, a city that has, for many years, been the epicentre of this cruel and unsustainable trade. If the supply chain to Hong Kong, and, by extension to China, can be cut, global shark populations that are threatened with extinction today can be offered a new lease of hope tomorrow.

This Bill is crucial to ensuring the long-term survival and recovery of vital shark populations. It is an important step for the UK to demonstrate its leadership and commitment to shark conservation. I therefore urge all Members to support the smooth passage of the Bill through this House and onto the statute book.

**Several hon. Members** *rose*—

**Madam Deputy Speaker (Dame Eleanor Laing):** I was expecting Darren Henry to stand up. He has now done so, so I call Darren Henry.

12.53 pm

**Darren Henry (Broxtowe) (Con):** Thank you, Madam Deputy Speaker. I thank the hon. Member for Neath (Christina Rees) for introducing this Bill. As a Nottinghamshire MP, I am glad she was able to mention Shark Guardian, as that organisation in Nottinghamshire has done so well. Out of more than 500 species of shark that we have worldwide, 143 are listed as under threat by the International Union for Conservation of Nature, with the different species ranging from those that are considered “vulnerable” to those that are “critically endangered”. As she alluded to, sharks are on top of the natural marine food chain because of their limited number of natural predators. Their importance to marine ecosystems cannot be overestimated, so I am very happy to see this Bill today.

Sharks are often characterised in film and media as aggressive. The films we show our kids, such as “Finding Nemo” and “Shark Tale,” add to this characterisation but, by nature, sharks are not natural predators of humans. They are far more likely to ensure that they do not come into contact with us, rather than to attack, so education is key.

Education about sharks is crucial to ensuring a more universal effort to protect them and to prevent a further threat of extinction. As with most industries, the supply of shark fins is driven by demand. By banning the importation and exportation of detached shark fins, we will ensure that demand is lowered and that more species of endangered sharks are protected. The Government published their action plan for animal welfare in May 2021, but we must go further. Protecting animals from extinction is vital, and this Bill is a fantastic first step towards ensuring that animal welfare and animal protection are made a priority.

12.56 pm

**Jill Mortimer (Hartlepool) (Con):** I congratulate the hon. Member for Neath (Christina Rees) on her Bill.

Hartlepool is a coastal community, and we take seriously our role as custodians of the sea. We know all too well the importance of marine conservation. The crustacean deaths along our coastline in recent months have destabilised our ecosystem and broken livelihoods. I continue to work with Stan Rennie and other members of my fishing community, which has fished ethically for generations to conserve the fish populations in our waters. They are true custodians of the stocks and caring farmers of the sea.

We know that ecosystems are very finely balanced and fragile. Driving entire species into extinction has dire consequences for biodiversity and the health of our planet. Sharks, in particular, are a key indicator of ocean health, and they play a vital role in marine ecosystems by helping to maintain healthy levels of fish in the food chain. This delicate balance has been disrupted by the shark fin trade and unsustainable fishing levels.

Regrettably, as we heard from my hon. Friend the Member for Broxtowe (Darren Henry), the International Union for Conservation of Nature now considers 143 species of shark to be under threat, ranging from

vulnerable to critically endangered. Banning detached shark fins from being brought into the UK will help to protect wild shark populations, which is why I support this Bill.

Shark finning is a uniquely cruel practice, whereby a shark’s fin is sliced off while the shark is still alive—the rest of the body is discarded. The UK does not support this cruel trade, and it is rightly banned in our waters. By supporting this Bill, the Government will send out a clear message to those countries that do support it, and again I thank the hon. Member for Neath for pointing out that our European neighbour, Spain, is one of the main perpetrators of this practice. We have a proud record on animal welfare and environmental sustainability, often well in advance of EU regulations, and this Bill will strengthen that record further. I share her hope that, where we lead, Europe follows.

We are a global leader in maritime protection, and our Blue Belt programme protects an area of ocean the size of India around our British overseas territories. We also lead a global campaign, supported by more than 80 countries, for at least 30% of the world’s land and oceans to be protected by 2030. We also continue to champion shark conservation measures, the regional fisheries management organisations and the convention on international trade in endangered species, which requires such trade to be carefully regulated or prohibited altogether.

I hope this Bill will be the first of many measures to protect shark populations worldwide, and I have no doubt that we will continue to work with our partners abroad to eradicate this cruel practice and all trades that show blatant disregard for animal welfare and the protection of fragile ecosystems.

12.59 pm

**Mark Eastwood (Dewsbury) (Con):** I congratulate the hon. Member for Neath (Christina Rees) on introducing the Bill. I have to say I do not profess to know an awful lot about sharks, but I was interested to hear about her holiday experience and encounter with a shark. I hope not to have the same encounter in the future.

Obviously, this is an important Bill. To learn some of the background to the shark fin debate, I did some research. As the hon. Lady said, sharks are older than dinosaurs, which means they are also older than Members who reside in the other House. Sharks grow up to 50,000 teeth in their lifetime. Let us hope they do not need access to an NHS dentist, because we know how problematic that can be. Sharks have the thickest skin of any animal species, and it feels like sandpaper. As an ex-sales person and someone who has probably had a bit too much time in the sun, I can appreciate how sharks feel.

Sharks can be found in all oceans and they can only swim forwards. I am bringing out some interesting facts, although I do not have the expert knowledge of my hon. Friend the Member for Broxtowe (Darren Henry) on this subject. Shark’s teeth are not used for chewing—they are for snapping, crushing and maiming prey, which makes them sound like ideal candidates for Chief Whip in this House.

I have come across a number of shark facts. Shark attacks are extremely rare. It is more likely that we will kill sharks—100 million sharks are killed a year, but

[Mark Eastwood]

only four people are killed by a shark each year. That means that we kill 25 million more sharks than sharks kill us, and it is not acceptable.

I was hoping to talk about prehistoric shark fossils in today's debate, but I'm afraid I struggled to find any ancient sharkfacts—[*Interruption.*] I appreciate the groans on that one. I was hoping to tell a long line of dad jokes today. Sharks can be dangerous. I know that they are gentle, as my hon. Friend the Member for Broxtowe suggested. They can attack, but it is a rare occurrence. Reports of attacks are more frequent in the Atlantic than the Pacific. That is because people who reside in the Atlantic areas tend to have greater access to the internet. It does not mean to say that there are more attacks; it is just that there are more reported attacks. In 2018, the United States led the world, with the highest number of reported shark attacks, according to ISAF, the international shark attack file. Within the continental United States, more shark-human incidents occurred in the Atlantic ocean. Only four attacks were reported in the Pacific, compared with 27 in the Atlantic. That is because people have the technology.

The distribution of the 108 authenticated unprovoked shark attacks among victim groups is: divers 50, surfers 41, swimmers 12 and kayakers five. It is a rare thing to happen. However, Madam Deputy Speaker, if you think that the shark-infested waters of the Atlantic are bad, try being in this place when there is a Tory leadership contest on.

On a serious note, I am here to support the Bill rather than crack some very poor dad jokes.

**Jill Mortimer:** My hon. Friend has explained how rare shark attacks are. Does he agree that not all species of shark carry out attacks? The most likely sharks to attack are the tiger shark and the all too well known great white.

I too have had a shark encounter. I was snorkelling with a friend one day when I saw a small reef shark wedged under some coral below me. I did not know whether this was true at that point—although it had always been one of those pub facts that we all know—but I believed that, if sharks did not swim, they could not breathe, because they have to drive water through their gills to do that. So I looked up and said to my friend that there was a shark and that it was going to die, at which point he turned and swam very quickly to shore. I went down, pulled the shark from the reef and swam with it a little while. It was almost dead—it was very flaccid—but then it suddenly clicked to life and swam away. It was one of the most remarkable events of my life to spend that moment with that amazing creature. I did not feel in any danger and I was not in any at all.

**Mark Eastwood:** I thank my hon. Friend for her intervention. Again, my knowledge of sharks is not the greatest. The only great white shark I have ever seen was in the film “Jaws”, and that was mechanical. But I take on board what my hon. Friend says.

This is an important and serious debate. Some 250 sharks are killed every day. Between 2000 and 2008, the net combined shark tonnage reported by four EU member states—the hon. Member for Neath touched on this—was higher than that reported by the world's No. 1 shark

fishing country, Indonesia. Spain, Portugal, France and the UK made up 13.4% of the tonnage figures, which is way too much. Obviously, that was when we were a member of the EU—thankfully, we have come out of it now. A Greenpeace Unearthed report published in 2019 showed that, between January 2017 and July 2019, the UK exported 50 tonnes of shark fin to Spain. Again, that was mentioned by the hon. Member for Neath. That figure included 29.7 tonnes in 2018 and 12 tonnes in the first months of 2019.

To outlaw the cruelty of finning at sea, it was decreed that sharks must be landed with their fins naturally attached, as has been mentioned. The buzzword is “retention”—returning the whole shark is a practical way to limit total shark catch.

We have also mentioned the consumption of shark for food, including shark fin soup. People actually see this wonderful animal almost as a delicacy. That means that more sharks will be killed in the future. I have not actually tried any shark dish. I am not a vegan like the hon. Member for Neath, but shark is not something that would appeal to me—I would prefer to go to my local Spinners Fisheries in Earlsheaton for haddock and chips. But I appreciate that this is going to be a problem in the near future.

In summary, I am fully supportive of the Bill. My hon. Friend the Member for Hartlepool (Jill Mortimer) mentioned that we have a proud record of animal welfare in the UK—in fact, we are in the top four countries globally in that respect. I appreciate the Bill, I fully support it and I thank all Members for listening.

1.9 pm

**Edward Argar** (Charnwood) (Con): I pay tribute to the hon. Member for Neath (Christina Rees). I have had the pleasure of working with her on a number of issues since I have been in the House, and it is a genuine pleasure today to have the opportunity—now that I have returned to the Back Benches—to contribute to such an important debate and to express my wholehearted support for the Bill.

It is also a real pleasure to speak in a debate to which the newly appointed Minister will respond. Until recently, my hon. Friend the Member for St Austell and Newquay (Steve Double) was my Whip, and he managed to discharge those duties firmly but very charmingly. I am sure he will bring the same balance of charm, firmness and indeed determination to his new role, and I hope he will continue to be a Minister for many years to come. Let me add that his is an extremely good appointment in respect of this particular brief.

The hon. Lady and others have already set out the context of the Bill and the challenges with which it is intended to deal. It is a very short Bill, with only three clauses and one schedule, but it does not need to be long, because it contains in those three clauses and one schedule everything that is needed to move things forward and close this loophole.

The scale, globally, of the trade in fins has been estimated at between 16,000 and 17,000 tonnes per annum, with an estimated 97 million sharks killed annually. We know that since 2003 the landing of detached shark fins has been banned in the EU, but, as we have heard from the hon. Lady and others, that does not appear to be doing the job. As we have also heard, 143 species are

under threat, and 46 species and ray are listed in CITES, the convention on international trade in endangered species.

As the hon. Lady said, these creatures are integral to the ecosystems of our oceans. They play a hugely important role in what are fragile and complex ecosystems—and our oceans' ecosystems are crucial to the health of our planet as a whole. In January 2021, an article in *Nature* suggested that there had been a 71% decline in the global abundance of sharks since 1970. That is a terrifying decline in the numbers of a creature which plays such a central role in our oceans' ecosystems. We are talking here about sharks in the context of marine ecosystems, but we should bear in mind the fact that the ecosystems of all our waters, be they oceans, seas, chalk streams or rivers, are vital to the overall health of our planet. That is why it is right that we are considering this issue today.

I am pleased that such leadership has been shown on both sides of the House in respect of animal welfare and protecting our planet. The animal welfare action plan that was published recently is hugely important, and in 2020 there was a petition debate about this very issue. I pay tribute to Shark Guardian for promoting awareness of the issue, and securing the engagement that has, I know, helped the hon. Lady's cause.

As we have already heard, the Bill closes a loophole in banning the import and export of detached shark fins, and the fins of other cartilaginous fish such as ray, with the exception of the “pectoral fins of a ray”.

It is well and tightly drafted, and it will do what it seeks to do. As others have said, the practice of finning, the catching of a shark, the removal of the fin and the discarding of the rest of the shark—sometimes still alive—is not only wasteful but cruel and unnecessary.

The Government have said that they do not oppose the landing of a whole shark with its fins naturally attached. I know that some would wish us to go further while others would not, but I think that the hon. Lady, with typical sense, has struck an appropriate and proportionate balance in tackling a wasteful and cruel practice while still allowing a whole shark to be landed sustainably appropriately. It strikes, as we so often need to do in this place, a difficult but necessary balance, with the various specific scientific exemptions that have been highlighted and which we would expect to see for conservation purposes.

I do not propose to detain the House longer, so I will conclude by congratulating the hon. Member for Neath on bringing forward this important Bill. She has my wholehearted support, and I wish her every success in seeing it swiftly translated on to the statute book.

1.15 pm

**Felicity Buchan** (Kensington) (Con): I congratulate the hon. Member for Neath (Christina Rees) on this excellent Bill, which I wholeheartedly support. Indeed, it is another example of our Government's policy being implemented through a private Member's Bill from the Opposition Benches, and it shows that we truly can work on a cross-party basis.

I will talk about the specifics of the Bill, but first I want to say that animal welfare and conservation is one of the most important issues for my constituents. I asked my office to check this morning how many emails

we received on it over the last year, and it was more than 1,500. I have a politically active constituency, but that is a lot of emails. They were on a broad spectrum of issues, ranging from pet smuggling to the oceans, and animal welfare is a priority of mine. I do not wish to make this overly political, but I think that we can see this as an opportunity of Brexit, as we can go a step further than the EU has gone. We can make this country the best for animal welfare standards. This is an important opportunity for us.

The hon. Member for Neath was powerful in her description of what happens when sharks are finned. They are taken out of the ocean, their fins are cut off, and they are then chucked back in alive. They essentially die from suffocation, and float to the bottom of the ocean. It is a pretty grim business. We have heard from a number of Members about the importance of sharks to our marine ecosystem, and I understand that of the 500 species of shark, 143 are currently under threat. That is pretty remarkable, and those species range all the way from “vulnerable” to “critically endangered”. There is no question but that one of the leading predators in the ocean must be important to that ecosystem. We are collectively doing the right thing, and my hon. Friend the Member for Charnwood (Edward Argar) was correct to say that while there may be people who want us to go even further, this is the right balance.

I keep returning to what the general public think would be right, and there is no doubt in my mind that the Bill will have the support of many of my constituents. That was shown by the fact that the petition that came before Parliament in the previous year attracted 115,000 signatures. This is a major issue. The Bill has my full support, and I congratulate the hon. Lady on bringing it forward. As we go forward over the last few years of this Parliament, I would love the House to focus on more issues such as this. There is no doubt that animal conservation is important to Members of the House, and it certainly is to me.

1.19 pm

**Dean Russell** (Watford) (Con): I wanted to speak in this debate to show my support for the Bill. It is such an important Bill to get through, and I hope it will proceed rapidly.

I will not speak for too long, but I noticed this morning, when I was double-checking the speeches for today, that this week I have been listening to “Jaws” on Audible as I drive in to Parliament every day. That is probably because of my huge respect for the hon. Member for Neath (Christina Rees), who is such an incredible campaigner and constituency MP; clearly she must have had an effect when we talked about the subject previously. I raise that not so much for humour, but because when we look at people's assumptions about sharks, they are usually very wrong and often come from a perspective of what is in the mainstream media. Books such as “Jaws” are phenomenal, and the film was brilliant too, but they had an impact on popular culture and, rightly or wrongly, on how we view sharks.

Sharks play some incredible roles within the sea. The idea of cutting off the fin of such a beautiful creature as a way to make money, allowing it to effectively drown or die from not being able to move, is abhorrent. Never in a million years would we think it would be okay to do

[Dean Russell]

that to any other animal. We would not cut the legs off a sheep or cow so that we could eat just those parts, and then leave it to die in incredible pain.

These are majestic creatures who serve a role within the sea and the ecosystem. I understand that culturally there are those who eat shark fins, but this Bill will solve the issue by ensuring that that abhorrent act comes to an end. I know my colleagues have given some incredible statistics, but I will mention one that I found. I hope I am not repeating this, but it staggered me, and I had to read it a few times to check I was not wrong. If hon. Members do not mind, I will read it out so that it goes into *Hansard*:

“It is not known exactly how many sharks are killed or wounded each year by the practice of finning. The most recent, reliable estimate of the number of sharks killed worldwide by finning was around 97 million in 2010, within a broad range of between 63 million and 273 million. An earlier estimate put the figure at 73 million in 2006.”

If I have understood that correctly, it is an incredible number, especially if we remember that every one of those sharks is a majestic creature that has had its fins cut off and been left to drown and drop to the ocean floor, no doubt for others to come in and have a feeding frenzy.

The Bill says clearly that it will be prohibited

“to import shark fins, or things containing shark fins, into the United Kingdom as a result of their entry into Great Britain”,

or,

“to export shark fins, or things containing shark fins, from the United Kingdom as a result of their removal from Great Britain.”

Effectively, it aims to stop the import of fins on their own and prevent this abhorrent act.

I will leave it there, but I wanted to stand for a moment and say that this is an incredibly important and humane Bill, and I know that is in line with the way the hon. Member for Neath acts and works within this place.

1.23 pm

**Ruth Jones** (Newport West) (Lab): I start by paying tribute to my hon. Friend—my very good friend—the Member for Neath (Christina Rees), for bringing this Bill to the House and for its reaching Second Reading. This is an important issue and I congratulate her on her speech and all the work she is doing on this issue. I know that our hon. Friend the Member for Leeds North West (Alex Sobel) wishes he was able to be here to stand in my place and contribute to the debate today.

I also welcome the new Minister to his place, although I must admit that after three days of sitting opposite him, he does not feel that new any more; in fact, he is a seasoned member of the Department for Environment, Food and Rural Affairs team, but I welcome him. I thank all hon. Members who have contributed to the debate today, even the hon. Member for Dewsbury (Mark Eastwood), with his terrible dad jokes. Sadly, he is no longer in his place. The tales of shark encounters have been particularly fascinating, and I thank everyone for recounting them.

I should say at the outset that the Bill has our full support, so I will not detain the House any longer than necessary. I want the Bill to become law as soon as

possible. In many ways, we should not be here today. A ban was announced by Ministers almost a year ago; we are relying on a private Member’s Bill to deliver a policy set out in the Conservative party manifesto. It appears that the caretaker Government have adopted a policy of government by private Member’s Bill.

Putting that aside, let us take a moment to reflect on why we need to end our part in this barbaric practice and to remind ourselves of its impact, not only on sharks but on our planet and increasingly fragile ecosystems. I accept that human beings have an uneasy relationship with sharks. These magnificent creatures are often reduced to the much maligned mythical monsters of “Jaws”, “Deep Blue Sea” and “Sharknado”. On a lighter note, I am sure that every Member can perform the “Baby Shark” dance. I will be checking later that they know how to do it.

However, sharks are apex predators. They are ancient creatures who play a vital role in our oceans, where they balance and maintain fragile marine ecosystems. The hon. Member for Hartlepool (Jill Mortimer) highlighted that clearly. Sharks have low reproductive rates, and overfishing has seen the number found in the open oceans plunge by 71% in half a century. Shamefully, 60% of shark species are now threatened with extinction.

We have heard that the practice of shark finning is the epitome of cruelty. Many Members have highlighted that it entails cutting off the fin while the shark is still alive and then just tossing the shark back into the sea, leaving it to die a slow and painful death from suffocation and blood loss.

Fins are used worldwide for shark fin soup, a dish often associated with wealth and celebration. The fins are used not for taste—I am reliably informed that they have no taste—but for their texture. Of the 100 million sharks killed annually at the hands of humans, 72 million are killed through finning for shark fin soup. The practice, just like rhino dehorning, is one of the most shameful and wasteful acts of animal cruelty in the name of trade still in existence in the 21st century.

The UK’s involvement in the practice goes beyond the clandestine sale of shark fins in restaurants. According to the 2019 HMRC and Traffic report, the UK imported 300 tonnes of shark fins between 2013 and 2017. According to a report of the Scientific, Technical and Economic Committee for Fisheries, between 2015 and 2018 the United Kingdom reported between 2,000 and 3,000 tonnes of “marketable fin” shark species landings per year. Indeed, my hon. Friend the Member for Bristol East (Kerry McCarthy) highlighted that we are ranked fourth among EU coastal states for shark landings, behind Spain, Portugal and France.

Those import figures do not take into account the personal allowance, which allows anyone to import up to 20 kg of dried shark fins for personal consumption, as my hon. Friend the Member for West Ham (Ms Brown), who has temporarily left her place, highlighted. That can equate to 500 individual fins from up to 60 individual sharks, which can make in excess of 700 bowls of shark fin soup. Under current legislation, all that is exempt from any border control declaration, so I ask the Minister to tighten that loophole as part of the Bill.

Just under a year ago, the outgoing Prime Minister announced a “world-leading” ban on what he correctly described as a “barbaric practice”. That was in line with

the 2019 Conservative manifesto and the Government response to a 2020 petition to Parliament, in which they said:

“Following the end of the Transition period we will explore options consistent with World Trade Organisation rules to address the importation of shark fins from other areas, to support efforts to end illegal shark finning practices globally.”

Yet that commitment by the Prime Minister, which was widely welcomed by conservationists, campaigners, activists and people across the country, was quietly ditched, reportedly after backlash from senior Ministers worried that, as the legislation was tied up with foie gras and fur coats, the ban would be un-Conservative. I hope that the Minister will be stamping his authority on his new role and ensuring swift action in all those areas.

Today, thanks to my hon. Friend the Member for Neath, we have the opportunity to be leaders once again. We have now left the European Union. That limits our ability directly to influence a continent-wide ban, but a UK ban on the import and export of shark fins would set an example for our European partners to follow.

My hon. Friend’s Bill follows Canada’s lead. Canada introduced a ban on all imports and exports of shark fins not attached to a carcass, meaning both a reduction in finning overall and the easier identification of the shark species being traded. Canada is a global leader on this issue, but it is not the only one legislating and making a difference. Hawaii banned finning in 2013. Its example caused 13 other US states to follow, culminating in Florida banning the import and export of fins in September 2020. Countries such as Ecuador, Egypt and Honduras have adopted fins naturally attached policies, and Thailand has had great success with its Fin Free Thailand programme, where an extensive list of companies have banned shark fin soup, including 111 hotels, four supermarket chains and nine restaurants. India has established a ban on imports and exports, and the United Arab Emirates has become the first nation to ban all shark products. International companies such as Amazon, Fairmont Hotels and Carrefour are banning the sale of shark fin soup, and the transport of shark fins has been banned by airlines such as Virgin Atlantic, Emirates, BA and Qatar Airways, and shipping companies such as Maersk, MSC and Evergreen.

It is now time to put an end to this unsustainable, unnecessary and barbaric practice. There is little economic cost associated with it, but the Bill allows us to lead the world on this issue—after all, we are global Britain now, aren’t we? The time for the Bill is now and the time for action is now. I am delighted to be here to support the Bill and to support my hon. Friend the Member for Neath.

1.31 pm

**The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Steve Double):** I congratulate the hon. Member for Neath (Christina Rees) and thank her for introducing this very important Bill. I also thank her for her very kind words at the start. I thank all hon. Members who have spoken in support of the Bill.

The Government continue to be a leading voice for the protection of sharks. Much work has been done and continues to be done in the UK and globally to ensure that we do not lose these important marine animals from the ocean. The Bill shows that positive change is

happening, signifying another step in the right direction to taking meaningful action on the conservation of sharks. Yesterday marked International Shark Awareness Day, which celebrates these amazing animals. What better way to raise awareness than by introducing this Bill here today? As my hon. Friend the Member for Dewsbury (Mark Eastwood) pointed out, for many years sharks have been misunderstood and vilified—I hold Steven Spielberg personally responsible—but I am sure we have all noticed that that outdated view is fading fast and opinions are shifting.

Let us be clear: shark finning is a vile and cruel act. Shark fins are recklessly removed from living sharks at sea and their finless bodies are wastefully returned to the water. Without their fins, sharks are unable to swim through the water, which means they cannot pass oxygen through their gills and they are left to slowly drown. Shark finning is a practice that has been banned in the UK for almost 20 years. We also have a fins naturally attached policy, which means that sharks must be landed with all their fins on their bodies. We can now go even further and ban the trade in detached fins in shark fin products. This underlines our determination that shark finning must stop, wherever it takes place. The Bill has the full support of the Government and we will do all we can to assist its swift passage through both Houses and on to the statute book.

As has been said, the effects of shark finning are devastating, with impacts seen across many species, from the sleek and elegant blue sharks to the majestic gentle giants we know as basking sharks. A number of Members referred to their encounters with sharks. Thankfully, my only encounters with sharks have been in Cornish waters with basking sharks, which are wonderful creatures to behold.

We also need to make absolutely clear that we are only able to take this step through the Bill because we have left the European Union. Exercising our independent trade policy enables us to take this step and ban these products from the UK. This Bill will ban the import and export of detached shark fins into and out of Great Britain. That includes parts of fins and products made of fins. The only exception is where imports or exports will facilitate the greater conservation of sharks—for example, through education and training. There are strict processes in place to assess applications for exemption certificates to ensure that they do not undermine the overall ban.

I will clarify one point that has been raised a few times in the debate. To be absolutely clear: this Bill bans the import and export of all detached shark fins. There is no exemption in the Bill for a personal allowance of 20 kg. That was allowed previously, but it is being removed through the Bill. The only exemption, as I have referred to, is for conservation or research.

I briefly highlight that, like my hon. Friend the Member for Hartlepool (Jill Mortimer), I represent a coastal community—in fact, I have the pleasure of representing two coasts. We take incredibly seriously our responsibility to protect our seas and coastline. I pay tribute to the many organisations in my constituency and across Cornwall that play a vital part in keeping our beaches clean, tidying up our seas and protecting them. They include the Newquay Marine Group, Newquay Beach Care, the Three Bays Wildlife Group, the St Austell Tidy Up Team, Friends of Par Beach and Final Straw Cornwall,

[Steve Double]

among many others. They do an incredible job of raising awareness and mobilising volunteers to keep our beaches and seas clean and protected.

There are also organisations that work across Cornwall and further afield, such as Fathoms Free, the amazing Beach Guardians led by Emily Stevenson, and of course Surfers Against Sewage, which I have had the pleasure of working with over many years. They all play an absolutely vital part and we should pay tribute to them and to the many others across the whole country who take such matters seriously.

Shark finning is a cruel and wasteful practice. This Bill will be a significant step in demonstrating the UK's global leadership in shark conservation, animal welfare and protecting our natural environment. I thank the hon. Member for Neath again for introducing the Bill and I look forward to doing all I can to see it on to the statute book as swiftly as possible.

1.37 pm

**Christina Rees:** With the leave of the House, I am grateful and privileged to have cross-party support for the Bill. All hon. Members made important points. The hon. Member for Broxtowe (Darren Henry) said that we must protect animals from extinction—definitely. I loved the story of how the hon. Member for Hartlepool (Jill Mortimer) rescued the shark, which tops mine. It is wonderful that she saved it. The ex-salesperson, the hon. Member for Dewsbury (Mark Eastwood), brought so much humour to the debate. If the Bill gets to Committee, he ought to be a member, so he can entertain us all the way through.

The hon. Member for Charnwood (Edward Argar), who is my friend in many ways, highlighted that this is a small and perfectly formed Bill. He said that it does not need any more and that it strikes a balance. I am grateful for his comments. The hon. Member for Kensington (Felicity Buchan) highlighted that we work together. She said that many of her emails were about animal welfare, so she makes it a priority. She said that her constituents would support the Bill, for which I am grateful. How could I ever forget the hon. Member for Watford (Dean Russell), who now has the nickname “Jaws”? It is true that sharks drown or bleed out, which is absolutely tragic.

There were superb interventions from my hon. Friends the Members for Bristol East (Kerry McCarthy) and for West Ham (Ms Brown), for which I am grateful. I am also grateful for the support from my hon. Friend the Member for Newport West (Ruth Jones) on the Labour Front Bench. I thank the Minister again for his support. He said that he has two coasts to look after—I could not think of anyone better to do that. I also thank you, Madam Deputy Speaker.

*Question put and agreed to.*

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

**Madam Deputy Speaker (Dame Eleanor Laing):** I congratulate the hon. Member for Neath (Christina Rees) on achieving the Second Reading of her Bill.

## Pensions Dashboards (Prohibition of Indemnification) Bill

*Second Reading*

1.40 pm

**Mary Robinson (Cheadle) (Con):** I beg to move, That the Bill be now read a Second time.

This is a simple yet important measure designed to safeguard the interests of pension savers, but before going into the detail about precisely what my Bill would achieve, it may be worth while to provide some context about what pensions dashboards are and the work that the Government are doing to make them a reality. Pensions dashboards are an electronic communications service that will revolutionise the way people interact with their pensions by allowing individuals to see their pensions information, including the state pension, in one place online—at the touch of their laptop, smartphone or tablet. Dashboards will help individuals be reunited with their lost or forgotten pensions, and support people in better planning for their retirement.

An important point to mention is that while users will be able to view their pensions, they will not be able to make transactions, so they would not be able to combine or move pension pots within the dashboard. That is because, in order to introduce dashboards as soon as possible, they will start with a basic level of information, but they will include more detail as our understanding of consumer needs develops. The Government believe that to develop a digital service that is safe, useful and relevant to consumers, future enhancements to dashboards' functionality should not be decided before the initial offer has been tested with users and any behavioural effects are understood.

Delivering pensions dashboards was a manifesto commitment of this Government, but the idea of a pensions dashboard has received widespread support from Members across the House, and it is not hard to see why. With the success of automatic enrolment, millions more are saving for their retirement and may have multiple pension pots, with no easy way of keeping track of them. Dashboards will bring pensions into the 21st century, and make it as easy for people to review their pensions savings as it is to view their bank accounts on their phones.

The Government are keen to see dashboards available as soon as possible to help consumers plan for their retirement. However, it is important to get the design of the service right to ensure that it is accurate, secure and consumer-focused. Developing a comprehensive service that can cater for the potential 52 million UK adults who could use dashboards, involving data from thousands of pension schemes, is complex and should not be rushed. The Government have, however, made excellent progress to make pensions dashboards a reality. The Money and Pensions Service has established the pensions dashboards programme team to design and implement the digital infrastructure that will make pensions dashboards work. The programme is on track and continues to move forward at pace, with work ongoing on the build of the central digital architecture, and research and testing to feed into the design and development of the service.

Hon. Members may recall our voting at the beginning of this Parliament to pass what is now the Pension Schemes Act 2021, which provided the primary legislative

framework to make pensions dashboards possible. The Department for Work and Pensions has since consulted on the draft Pensions Dashboards Regulations 2022, which will apply to relevant occupational pension schemes, and the Government have this week published their response to that consultation. The Financial Conduct Authority has also consulted on equivalent rules for personal and stakeholder pensions to ensure that the information provided on dashboards will be comprehensive.

There will be a dashboard service provided by the Money and Pensions Service, which will be available from the start. That is because the Government believe very strongly in the importance of a Government-backed, impartial dashboard, and are committed to having the MaPS dashboard available from the start. In addition, it will then be possible for others to enter the market and provide dashboards, which will be bound by requirements set out in regulations and regulated by the Financial Conduct Authority. That will provide scope for innovation, helping to engage a broad range of users and meet the varied needs of the millions of people with pensions savings. Importantly, individuals will see the same information regardless of which dashboard service they use, and robust rules will be in place to ensure consumers' interests are at the forefront of all dashboards.

Ensuring that user data is properly secured on the dashboards will be a significant consideration. The Government have taken care to ensure that pensions dashboards and the technology behind them are designed to maximise data security. For example, individuals will always have control over who has access to their data and will be able to revoke access at any time. Only the Money and Pension Service and any qualifying pensions dashboard providers that meet the agreed standards and regulatory requirements will be able to connect to the dashboard infrastructure. The draft regulations will require occupational pension schemes to connect to a central digital architecture that is being developed by the pensions dashboard programme.

Once connected, schemes will be expected to respond to requests by members of the public to find and view their pensions information. To ensure these requirements are adhered to, the regulations will enable the Pensions Regulator to take enforcement action through penalty notices against trustees or managers who fail to comply. That could result in penalties for each breach of £5,000 for individuals or £50,000 if the person is a body corporate, including corporate trustees. This is where my Bill comes in.

Although pensions scheme members may be able to take civil action, nothing currently in legislation prohibits rogue trustees or managers from using a pension scheme's assets to reimburse themselves to repay fines they incur for breaches of pensions dashboard legislation, which is backed by criminal sanction. This Bill makes changes to pensions legislation to increase protection for savers against the actions of such unscrupulous persons. In particular, it provides additional powers for criminal proceedings to be brought against trustees or managers of occupational pension schemes if they reimburse themselves from pension pots to pay penalties imposed for compliance breaches under the future pensions dashboard regulations. If a trustee or manager is found guilty of this offence, the provisions would allow for a maximum sentence of up to two years in prison or a fine or both.

I should make it clear to the House that this Bill does not impose any new costs or requirements on occupational pension schemes or their sponsoring employers. The intent is simply to deter rogue actors who have already received a financial penalty from the Pensions Regulator under the dashboards regulations from plundering savers' pension pots to pay the penalty. It is also not something that anyone in the pensions industry should be unfamiliar with. The Bill amends existing legislation that provides for a similar prohibition in several other areas of pensions legislation, including automatic enrolment.

I am delighted that the Bill has the Government's support, and I look forward to continuing to work with them to secure its passage. As I said at the start, this is an important measure that will safeguard the interests of pension savers from any would-be unscrupulous trustees. I hope we all agree that this Bill would provide worthwhile protection to all of our constituents with pension savings, and I hope that it will be supported on both sides of the House today.

1.49 pm

**Darren Henry** (Broxtowe) (Con): I thank my hon. Friend the Member for Cheadle (Mary Robinson) for bringing forward the Bill, and for allowing me to participate in the debate.

On Third Reading of the Pension Schemes (Conversion of Guaranteed Minimum Pensions) Bill, I stressed the importance of pensions and how they provide a sense of security that individuals can enjoy later in their lifetime. The hope is that a pension will allow us to have economic freedom in our old age. My understanding is that paying into a pension pot, which many see as a long-term savings plan, is becoming more frequent as the years go by. In addition, it seems as if changing jobs has become more frequent in recent times. Those two increases have resulted in an issue: it has become more common for individuals to get the end of their career and not be able to locate all their pension pots with the ease they would have before, and that they would like. Individuals may struggle to find that figure, because they will have moved jobs and therefore paid into lots of different pension pots over their lifetime. That is not to mention the hassle of having to remember which companies they have paid into and having to find their most recent pension statement.

Pensions dashboards will allow people to see online what they have in various pension pots, including their state pension. A dashboard is a great tool because it is convenient to have the relevant information in one place, and it will ensure that pension pots do not get lost. Some people will even be able to track how much money they will have in their pension and realise sooner rather than later the changes they will need to make. That will ensure that they will be able to achieve the desired outcome for their retirement.

Under the current provisions, there will be an issue when dashboards come into force, so we need to make the changes to avoid these brilliant tools being abused by trustees or managers of occupational pension schemes. An occupational pension scheme is set up by an employer to provide retirement benefits to its employees. There is currently nothing to prevent a trustee or manager of an occupational pension scheme from reimbursing themselves from members' pension pots if they are issued with a financial penalty by the Pensions Regulator for a compliance breach. The Bill seeks to make that exact practice a criminal offence, and that is why I support it.

[Darren Henry]

The bottom line is that we need to protect people's retirement funds. The maximum penalty for a failure or contravention of the pensions dashboards regulations will be £5,000 for an individual or £50,000 for a body corporate, including corporate trustees. As I have said before, pensions are so important to planning for the future, and I want to make sure that the pensions of the constituents of Broxtowe are safe from the abuse of others. I congratulate my hon. Friend the Member for Cheadle on introducing the Bill.

1.53 pm

**Ms Karen Buck** (Westminster North) (Lab): I congratulate the hon. Member for Cheadle (Mary Robinson) on bringing forward the Bill. The Opposition agree with the principle that pension scheme trustees must be responsible for any failure to meet their legal requirements. The Pensions Regulator has recently warned that many trustees are at risk of failing to meet their legal pensions dashboard responsibilities, and research shows that the majority of trustees have yet to prepare.

Last month, the regulator said:

"Trustees will have legal duties they must be ready for. We will take a dim view of trustees who carelessly fail to prioritise their dashboard responsibilities."

There is indeed a very real risk that fines could be issued. Without the provisions of the Bill, those fines could fall on scheme members. It should never be the case that mistakes, failures or a lack of action to meet legal requirements on the part of trustees should land with scheme members. People who pay into pensions their whole lives should not be left with less because of the action or inaction of fund managers and trustees. We therefore support this important Bill. In fact, we would have liked to see these provisions in the original pensions dashboard legislation; so although I wish the hon. Member for Cheadle every success with her Bill and commend her for her work, it would be helpful if the Minister told us whether the omission was deliberate on the part of the Government or simply an oversight.

Pensions policy is a long-term policy area. The legislation brought forward in this Parliament and the last Parliament will have implications for many years to come. The Bill is therefore a timely reminder of the need for ongoing work on the pensions dashboard and ongoing work to ensure that people are saving enough for retirement generally and, as the hon. Member for Broxtowe (Darren Henry) says, that they can track and monitor their pension savings and repair problems in their savings history if necessary. We have to ensure financial security for all those who are over state pension age.

I will raise one final point. The dashboard is an important attempt to make information more easily accessible to pension scheme members. We welcome it and think it a helpful way to ensure that people save for retirement, but the Government cannot rely on the programme as a solution for all their pension woes. As a country, we must go further to ensure that more people are saving enough for retirement. If we do not, we will potentially be storing up a future cost of living crisis that will last for decades.

It has been good to hear hon. Members speaking about pension schemes today. I hope that the Bill is a reminder of the importance of well-run, good pension schemes that give people financial security and the confidence to plan for their retirement.

1.55 pm

**The Parliamentary Under-Secretary of State for Work and Pensions (Guy Opperman):** What an honour it is to speak today. I thank my hon. Friend the Member for Cheadle (Mary Robinson) for having the foresight to move the Second Reading of her Bill and for her excellent contribution to the debate. I can confirm that the Government fully intend to support the Bill today.

As you will be aware, Madam Deputy Speaker, this is my seventh day in the job as Minister for pensions; I hope to be better than my predecessor. The bottom line is that it is an honour to do this job and try to address the genuine issue that the hon. Member for Westminster North (Ms Buck) raises, which is that we need to get this country saving more. With great respect, we are doing that. The state pension has almost doubled since 2010, thanks to the triple lock and the work of the coalition Government and the Conservative Government: it was worth less than £100 shortly before the 2010 election and is now worth up to £185-plus. As taxpayers, we are paying out well over £100 billion to our pensioners. We are providing huge amounts of support.

Automatic enrolment has been a massive success story under successive Governments. The simple truth is that automatic enrolment has meant constituents up and down the country saving in a way that never happened before. The proportion of young people saving with a workplace pension was less than 30% prior to 2012; it is now above 80%. For women with pension savings in a workplace context, the figure was less than 42%; it is now above 80% as well. These are transformational things. For example, in your constituency of Epping Forest, Madam Deputy Speaker, 13,000 people are now saving for a workplace pension. The Bill will genuinely help them to navigate things an awful lot better, so I am very pleased that my hon. Friend the Member for Cheadle has introduced it.

**Dean Russell** (Watford) (Con): The pensions dashboard is incredibly important and my constituents will probably be asking what it means for them. I am also very conscious that we have a digital divide; I have been campaigning for online accessibility for probably 20 years. I would be interested to know, first, how we can ensure that we do not put people in a position where they cannot get the information, and secondly what the roll-out means for Watford.

**Guy Opperman:** It matters tremendously to Watford, and I will tell my hon. Friend why: in Watford, 45,000 constituents are benefiting from a workplace pension under automatic enrolment. That is a transformational thing that was genuinely not there barely 10 years ago.

We all support the pensions industry, but it has basically been existing in the 19th century. With the pensions dashboard, we have jumped over the entire 20th century and into the 21st by bringing things online. The pensions dashboard will take pensions—all 40,000 schemes up and down the country in the private and public sector and the state pension—and make them all accessible via iPads, mobile phones and computers. That is transformational.

I am old enough to have met my bank manager—a person whom I used to go and see and have a conversation with. That never happens any more, yet, with the banking and savings apps that many of us now have, the way we

engage with our bank is transformational compared with days gone by. We hope that people will have a pensions app so that, as they take the bus or train to work, they can look at their bank account, their savings account and their pensions at the same time and move money between them.

This process started under the Pension Schemes Act 2021, which genuinely transformed the digital divide. The 20-year campaign of my hon. Friend the Member for Watford (Dean Russell), both outside and inside Parliament, is seeing the fruits of his labours. This will make our lives easier, putting it bluntly, because we will have accessible information on an ongoing basis. It will make things simpler by enabling us to make decisions as consumers in a way we never have before, and it will make things better by providing a greater understanding of how to control our money. Surely that is something for which we all strive.

The Government support this Bill, and it is an honour to be here on a day when the House has taken forward four Bills, including the Shark Fins Bill, the Employment (Allocation of Tips) Bill and the Neonatal Care (Leave and Pay) Bill, which is particularly relevant to my good self as I have suffered loss. I listened to those debates with great interest, and I totally support the Bills.

This Bill is of great importance as we seek to make pensions safer, better and greener. As the hon. Member for Cheadle indicated, with record numbers of people saving for retirement it is more important than ever that people understand their pensions information and prepare for financial security in later life. Dashboards will unquestionably make people do that.

The Department for Work and Pensions published a consultation on the draft pensions dashboard regulations earlier this year, and only yesterday we published the response to that consultation, setting out in detail that we are fully committed to driving forward pensions dashboards and making them happen at the earliest opportunity.

The Bill will increase protections for pension savers by prohibiting trustees and managers of occupational and personal pension schemes from being reimbursed out of scheme assets in respect of penalties imposed on them by any future dashboard regulations. The Bill will achieve this by amending section 256 of the Pensions Act 2004, under which, if a trustee or manager were to be reimbursed and knew or had reasonable grounds to believe that they had been so reimbursed, they would be guilty of a criminal offence unless they had taken all reasonable steps to prevent it. For those found guilty, the provisions allow for a maximum sentence of up to two years in prison or a fine, or both.

Additionally, were any amount to be paid out of a scheme's assets in such a way, the Pensions Regulator would have the power to issue civil penalties to any trustee or manager who failed to take all reasonable steps to secure compliance. Section 256 of the 2004 Act already prohibits reimbursement of penalties issued under a number of other pieces of pensions legislation, including automatic enrolment. We therefore consider the proposed amendment to that Act to be a very logical and welcome change.

My hon. Friend the Member for Broxtowe (Darren Henry) is a fantastic champion for his constituency, for which I thank him. He has spoken repeatedly in this

House of the importance of pensions to his constituents, and I can tell him that 29,000 of his constituents have been automatically enrolled into a workplace pension. This is of massive importance to his constituents.

My hon. Friend raised two points that I will briefly address. First, we are talking about a significant number of pensions, because the average person will have several pots as they continue to work. They might have a job at the age of 18, 21, 24 or 26 before moving to another job. The dashboard starts out as a tracing service, as we have discussed. We already have the Pension Tracing Service, which allows people to seek and identify any lost pensions, but the dashboard will take that so much further. Individuals will be able to access in a safe way all their pensions, make decisions on consolidation and consider their options and possible outcomes in a way that they never could before. This is proper, modern, Conservative, consumer-focused politics that is genuinely transformational for the British people. I am so pleased that my hon. Friend supports that. It is important for his constituents that we support them, not just with workplace pensions.

As I outlined earlier, the support through the state pension has doubled effectively over the past 12 years. The Government are also bringing forward other support, whether it is the specific cost of living support that landed in a million of our constituents' accounts—£326, and there will be £324 later this year—or whether it is the extra £300 in winter fuel payments for all our pensioner constituents, or the £400 that will go to households that are registered as recipients of energy, along with the energy support grant that will land in October and November. All those packages will be there to support constituents as they cope with the difficulties that have been caused fundamentally by the war in Ukraine and the energy war that we are effectively engaged in with Putin.

**Dean Russell:** I appreciate my hon. Friend sharing the updates on the pension and how it is helping my constituents. Whenever I speak to pensioners, they always mention the triple lock. Will he commit to the triple lock please?

**Guy Opperman:** I assure my hon. Friend that the triple lock will return this autumn, when legislation is brought back, as it has been every year, in the pensions uprating process. That is something that not just I but my right hon. Friends the Chancellor and the Secretary of State for Work and Pensions have said, and it remains Government policy. My hon. Friend raises support for pensioners. I pray in aid and urge all colleagues on both sides of the House to get behind spreading awareness of pension credit. Most pensioner support is automatically provided. In other words, once someone is registered, upratings and the inclusion of greater sums such as the £300 winter fuel payment and the £400 energy support grant happen automatically. The key thing with pension credit is that you have to apply. So the message is, "Please don't be shy, please apply."

I was lucky enough to spend some time with Mr Len Goodman, to whom I am deeply grateful for his contributions. Fortunately there was no dancing by me, but the video that has been seen by more than 1 million people makes the case for pension credit. It is worth on average £3,300 to all our constituents who are vulnerable and have not claimed. That is something of great importance. We know that up and down the country, in

[Guy Opperman]

every single constituency, there are hundreds of pensioners who have failed to claim pension credit. I urge them to contact their local citizens advice bureau, Christians Against Poverty, or other assistance organisation such as Age UK or others, for help to claim. They can also go to gov.uk or dial freephone 0800 991234. It applies across all communities. Yesterday I visited Punjabi Radio; we particularly want to reach BME communities.

In respect of the Bill, the Government are committed to making pensions safer, better and greener. We genuinely believe that the Bill makes pensions better through the pensions dashboard. The safety element is assisted by this small, discrete but very important Bill. We also have the capability to make pensions greener. We are the first country to bring in TCFD—the taskforce on climate-related financial disclosures. We are driving forward environmental, social and governance standards. Only today we issued our response to the call for evidence on the social element of ESG. Again, it is a world first for a country to look at this particular reform. Without a shadow of a doubt, the Bill will improve our ability to provide a proper deterrent which will prevent rogue trustees or managers from exploiting the pension assets for which they are responsible. The Government will therefore support the Bill's passage through Parliament, and I congratulate my hon. Friend the Member for Cheadle—who is a doughty campaigner for her constituents—on ensuring that pensions are safer for the future.

2.10 pm

**Mary Robinson:** With the leave of the House, Madam Deputy Speaker, I thank all Members for their contributions and for being present for this important debate. Let me begin my thanking my hon. Friend the Member for Broxtowe (Darren Henry), who rightly described the pensions dashboards as brilliant, and acknowledged their potential to enable people to find the various pension pots that they may have acquired during their working lives. So many people who have lost or forgotten pensions and simply do not know where to go will be helped by this groundbreaking legislation.

I thank the shadow Minister, the hon. Member for Westminster North (Ms Buck) for her support: she was right to recognise the importance of good, well-run pension schemes. I thank the Minister for his support, and I thank the DWP officials for their assistance in preparing the Bill and for helping me to present it to the House today.

As we move forward with the pensions dashboard, I am glad that we can also put in place the provisions that we will need to protect hard-working people and their savings. The Bill is intended to safeguard people's pension savings, and I hope it will be able to progress with the support of the whole House.

*Question put and agreed to.*

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

**Madam Deputy Speaker (Dame Eleanor Laing):** I congratulate the hon. Member for Cheadle (Mary Robinson) on achieving a Second Reading for her excellent Bill.

## Public Advocate (No. 2) Bill

*Second Reading*

2.12 pm

**Maria Eagle** (Garston and Halewood) (Lab): I beg to move, That the Bill be now read a Second time.

It is now more than 33 years since the Hillsborough disaster, when 97 wholly innocent children, women and men, who were supporters of Liverpool football club, were unlawfully killed by the gross negligence of South Yorkshire police at the semi-final of the FA cup in Sheffield. Many thousands of survivors of that catastrophic event were traumatised by their experiences, and many of them suffer its terrible impact on their lives to this day. The families of those killed have also had to face unimaginable heartache, made worse by the behaviour of those responsible for the disaster in, even now, seeking to blame the victims and survivors for what happened. This 33-year long attempt by those responsible for the killings to evade their responsibility, and the lies and smears that they have repeatedly perpetrated and are still peddling, form the backdrop to this Bill. They still have an impact today: we need only refer to what was said at the Champions League final by those seeking to cover up the disaster of the organisation of that match.

The South Yorkshire police cover-up and smear campaign, begun on the day of the disaster, succeeded for many years in convincing public opinion that the Hillsborough disaster was caused by hooliganism, and that somehow those who died and the supporters who survived were responsible for what had happened, when they were all wholly innocent. Were it not for the fortitude, togetherness and determination of the families and survivors of Hillsborough, who fought a three-decades-long campaign for truth and justice, the truth would never have been set out or accepted, and the rightful inquest verdicts would never have been returned. The apology that families received from the then Prime Minister, David Cameron, in 2012, on the publication of the Hillsborough Independent Panel report, for what had happened to them and for the cover-up would never have been forthcoming, and some of those responsible would never have been put on trial.

It was not until just over a year ago, in May 2021, that all the remaining criminal trials of those responsible who had been charged collapsed without anyone being held to account. Our criminal justice system can be said to have failed catastrophically when it takes more than three decades to fail to convict those responsible for 97 unlawful killings. After all, the events were filmed, with much shown live on television, yet those responsible for the catastrophe and the cover-up that followed have got away without being held to account.

It took 27 years for the families of those who died to have correct inquest verdicts of unlawful killing handed down, after the accidental death verdicts were quashed in 2012. It took 23 years, and the publication of the work of the Hillsborough Independent Panel, for the full truth to be told and accepted fully by the legal and political establishment: the fans were not to blame; the police in charge on that day were.

We must learn the lessons, and ensure that never again will families bereaved by public disasters have to endure their lost loved ones being smeared and traduced; and never again will families have to spend more than

three decades campaigning to get truth and justice for their wholly innocent loved ones. There will be more public disasters. There already have been in the intervening time. Hillsborough is an exceptionally bad case, but we can see in other public disasters some of the same problems arising for bereaved families who, through no fault of their own, are caught up in these tragedies—the Grenfell fire and the Manchester arena bombing to name but two. We have already started to see some of the same problems.

So more is needed. The law must be changed. Public authorities must be made to tell the truth. They must be prevented from using all the public money at their disposal to prevent the truth from coming out. Families must be at the heart of subsequent investigations. They must have a collective voice. They must have agency and the capacity to act to get to the truth much sooner than the Hillsborough families were able to.

Hillsborough shows that attempted cover-ups must be torpedoed at an early stage to prevent what happened to the Hillsborough families from happening to others caught up in public disasters. It was not a legal process. It was the Hillsborough Independent Panel, and the publication of documents using freedom of information principles, that finally succeeded in establishing the truth about Hillsborough for all to see, when many legal proceedings for years previously had failed. But it took 23 years.

If we facilitate the capacity for families to get such a process going much sooner, that can help to stop things going so wrong for so long. That is what the Bill intends to achieve. It would establish an independent, adequately resourced public advocate for those bereaved in public disasters, and injured survivors. It would locate the public advocate's office in a Government Department, able to call on its resources but—crucially—totally independent of Government control and direction. It would require the public advocate to act if 50% plus one or more of the representatives of the deceased and injured survivors ask the advocate to act.

Lord Michael Wills and I have been introducing a Public Advocate Bill into the Commons and the Lords since 2016. That is why this is one is called the Public Advocate (No.2) Bill. It has already been introduced into the Lords this Session by my noble Friend. It would give families agency by putting them at the heart of the response to public disasters through the establishment of the independent public advocate, who, if the bereaved families wish it, and only then, will act as a representative of their interests, advocate and guide. As a data controller, the advocate would be able to establish a panel to review all documentation and produce a report at a much earlier stage than the 23 years it took for Hillsborough. So it would be cheaper and the process would be shorter. That enforced transparency would quickly put a stop to any venal attempts to deflect blame, such as that conducted by South Yorkshire police. Who could successfully conduct such a campaign in the forced glare of transparency, openness and the production of documentation directed by the public advocate at the behest of the families? Cover-ups and the spreading of lies and propaganda could be stopped at an early stage.

**Mary Robinson** (Cheadle) (Con): The hon. Lady is bringing an important matter to the House. On the issues around Hillsborough and other major incidents

that have gone on for so long, obviously, there are issues about the cover-up, but also about ignoring whistleblowers. Does she agree that we need to look at listening to people who raise these issues in these important matters?

**Maria Eagle:** That is an important point, but not important in this context, I think.

The role of the independent advocate would not replace any of the usual legal advocates and would be an addition to prevent things from going wrong over such an extended time. The advocate would get involved only if the families wanted them to be involved. Too often, bereaved families and survivors feel like outsiders, mere adjuncts to proceedings to which others—often those who were at fault—are parties. Those most affected have least agency. These measures could make a real difference and stop what happened to the Hillsborough families ever happening again to other families.

The measures, along with the recommendations of Bishop James Jones's 2017 report into the lessons to be learned from Hillsborough, are urgently needed. Together they form the Hillsborough Law Now campaign, of which I am a part. In addition to the independent public advocate put forward in the legislation, the recommendations consist of a statutory duty of candour for all public authorities, equality of arms at inquests and a charter for families bereaved through public tragedy.

The report was produced and the recommendations made in 2017. The Conservative party had a manifesto commitment in 2017 to establish an independent public advocate and conducted a consultation, though to date there has been no publication of its outcome and no Government response—there really should be.

The survivors and families of Hillsborough have already had to wait for 33 years. To make them wait five years for a response to a Government-commissioned report into the lessons to be learned is too long. It is more than a year now since the last of the criminal trials collapsed. Getting this Bill into Committee to start making the legal changes we need will enable us to show the families and the survivors that we are starting to take the relevant steps. I hope the Minister can allow us today to give this Bill a Second Reading and get it into Committee.

2.21 pm

**Edward Argar** (Charnwood) (Con): I will be very brief, but I do want to speak in this debate, because I was the Minister for victims in the Ministry of Justice in 2018 who pushed that consultation that the hon. Member for Garston and Halewood (Maria Eagle) mentions. I want to highlight her consistent advocacy for an independent public advocate, certainly since my time in the Ministry of Justice.

I am afraid I moved on relatively swiftly to the Department of Health and Social Care, so I was not there to publish the response, or indeed to see it, but I want to put on record that the hon. Lady makes some important points. It is right to remind this House and this country at every opportunity of what happened at Hillsborough and what needs to be done to minimise the risk of that ever happening anywhere again.

Transparency is hugely important. We recently saw very concerning scenes at the champions league final in Paris, with an attempt to push particular and unacceptable

[Edward Argar]

narratives around that to blame the fans yet again. That will have stirred some horrific memories, particularly for Liverpool fans and people in the hon. Lady's constituency and elsewhere.

I support the concept of an independent public advocate and I support what the hon. Lady is seeking to do. I think there is more to be done to work through some of the detail of how it would interact with other investigatory bodies and specific powers; it is important that avoiding duplication in interacting with other bodies is handled appropriately. She may well suggest that Committee is the best place to tidy that up, but it is important that those issues are bottomed out before this Bill passes into legislation.

I put on record my support for what the hon. Lady is seeking to do and the underpinning principles behind that, and recognise how important this is to her constituents, to Liverpool fans and more broadly to anyone who could, through no fault of their own, find themselves or their relatives caught in a horrendous tragedy, and would want to know the truth and learn lessons from it. I do not propose to speak for any longer, because I am keen to hear the debate, but I wanted to put that on record.

2.23 pm

**Ellie Reeves** (Lewisham West and Penge) (Lab): I commend my hon. Friend the Member for Garston and Halewood (Maria Eagle) for her persistence in bringing forward such an important Bill. I share her view, as I am sure we all do, that the treatment of the Hillsborough families is a stain upon this country. Action must be taken to ensure that we never again see families and survivors having to fight for decades to get to the truth.

This Bill would provide a better way of responding to large-scale public disasters on behalf of bereaved relatives and survivors. It would facilitate transparency about what has happened at an early stage, which would not only give answers for those involved, but allow learning to be implemented to prevent further victims from being created. The Bill would be a lasting legacy for the 97 lost in the Hillsborough disaster and would give real protections to victims and families of future public disasters. I look forward to seeing it progress through the House.

**Mr Deputy Speaker (Mr Nigel Evans)**: I will call the Minister now. We are pressed for time, but we will see how far he gets in his speech.

2.24 pm

**The Minister of State, Ministry of Justice (Tom Pursglove)**: Thank you, Mr Deputy Speaker. May I begin by thanking the hon. Member for Garston and Halewood (Maria Eagle) for introducing the Bill? I pay tribute to her for her steadfast commitment to the creation of a public advocate, which we have discussed previously, and for all the work that she continues to do in supporting the Hillsborough families and other families who have sadly experienced such unimaginable tragedy. I have had the privilege of working with the hon. Member in my capacity as the victims Minister on another matter affecting bereaved families, and her dedication to those families is clear for all to see.

I thank all hon. Members for their interest in this issue. I thank my hon. Friend the Member for Charnwood (Edward Argar) for his contribution and for the work that he did in ministerial office that is relevant to this debate. I also pay tribute to my right hon. Friend the Member for Maidenhead (Mrs May) for her commitment to this issue, and to the wider pursuit of justice for the Hillsborough families, during her time as Home Secretary and Prime Minister and, of course, more recently too.

It is clear to me—as if it were ever in doubt—that there is as much cross-party support for the right to a public advocate today as there ever was. It is humbling and a privilege to respond to the debate on behalf of the Government.

**Darren Henry** (Broxtowe) (Con): Can the Minister clear something up? Have the Government made proposals to introduce an independent public advocate?

**Tom Pursglove**: What I can tell my hon. Friend—the hon. Member for Garston and Halewood knows this, because we have had meetings and conversations about it—is that this is something that Ministers in the Ministry of Justice are actively considering. I hope that we will be able to say more about that in due course. I recognise that the House and the Hillsborough families feel very strongly about this proposal. We want to make sure that the detail of any proposal linked to this is got right and worked through.

**Maria Eagle**: Can the Minister tell me when the response to the consultation, and the Government's plans, might come forward? We were told during the Backbench Business debate last September that it would be by last Christmas, but that did not happen.

**Tom Pursglove**: Unfortunately, I cannot give the hon. Lady a firm commitment on timescales, but I repeat that this is something that we as Ministers are actively considering. We want to get it right, and we will of course then be in a position to say more about it as soon as possible.

**Darren Henry**: May I suggest that, when we get to that point, the Government are clear that there are some details that need to be considered? Typical questions include how an independent public advocate should interact with investigative bodies, how we should avoid duplication, and when an independent public advocate should get involved—when a fatality has occurred, or not? Those are the sorts of things that I hope the Minister and the Government will consider.

**Tom Pursglove**: I am grateful to my hon. Friend for his suggestions, which are all valid in the context of considering policy around introducing a public advocate function. I certainly take those suggestions on board.

**Jill Mortimer** (Hartlepool) (Con): I, too, pay tribute to the hon. Member for Garston and Halewood (Maria Eagle) for her fierce advocacy on behalf of the bereaved families of Hillsborough. Does the Minister agree that, as demonstrated by the questions raised by my hon. Friend the Member for Broxtowe (Darren Henry), this is just too complex to get through on the timeline of a private Member's Bill and needs longer consideration?

**Tom Pursglove:** It is fair to say that it is, of course, important that any independent public advocate function is delivered properly and robustly, that it is thorough and takes proper account of all the circumstances and eventualities that we would want it to, and that it is delivered through the appropriate legislative vehicle. That is a key consideration for Ministers as we work to look at this issue. It is something that we will continue to consider. I place on record that the Government support the overriding objective of the Bill and are sympathetic to its aims. We believe that it is a welcome addition to the debate, but I am afraid that we do not consider the specific proposals in the Bill to be the best way to provide the support of an independent advocate. That said—I reiterate this point—I am looking carefully at the issue, and the hon. Member for Garston and Halewood knows how seriously I take such matters and the points that she has raised—

2.30 pm

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

*Ordered,* That the debate be resumed on Friday 9 September.

**Mr Deputy Speaker (Mr Nigel Evans):** The Minister may resume his speech when we return to the debate.

## Mole Valley Local Plan

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

2.30 pm

**Sir Paul Beresford (Mole Valley) (Con):** I am delighted to see the Minister on the Front Bench, who is nearly a neighbour and knows the area that I am talking about, even though he cannot specifically mention it. I realise that he cannot discuss the actual Mole Valley local plan, because he is in a quasi-judicial position as long as it is under assessment by the planning inspector, but I am sure that he can cover in broad terms the issues that I hope the inspector will focus on.

As an ex-council leader, I clearly see the full potential of a local plan as a chance to develop an imaginative approach to the protection and the enhancement of, in my case, Mole Valley. It is a chance to recommit to the vital principles of green belt protection and to begin the much-needed revival of our towns, particularly Dorking and Leatherhead. These are important objectives, and I am sorry but unsurprised to note that the Liberal Democrats at Mole Valley District Council dismally failed to meet them.

Even the procedures used to get the plan through the council were a mess. The plan was put to the whole council; the vote was not for or against, but to “note the plan”. In other words, as far as I can tell, there was no full council vote on the actual plan. The draft plan apparently passed through the council executive, which is entirely Liberal Democrat controlled. I am unsure whether there was a vote there or—more likely—a small clique rammed it through with another mere “note” of the plan.

At the full council meeting earlier this year, every single Conservative councillor was opposed to noting the plan and spoke up about the damage it would do. All independent councillors were also opposed. Subsequently, many Liberal Democrat councillors have been frantically distancing themselves from the same plan that they voted to note. Any hon. Member who has dealt with the Lib Dems at a local level will not be particularly surprised to hear that.

I understand that the final draft plan has not been discussed with Surrey County Council, which is the body that should be discussing roads, social services, schools and other infrastructure, all of which goes unmentioned but is relevant to the plan. I believe it has also not been discussed with the relevant health organisations; no consideration has been given to medical centres, GP practices and so on.

Similarly, I understand that there has been no discussion with Thames Water, which is responsible for sewage, or SES Water, which, as its name implies, would supply water to any new houses. As I believe the inspector has already pointed out, there is confusion as to the status of discussion between Highways England and the council about M25 junction 9 at the northern edge of Mole Valley. Many of my constituents have the impression that the Liberal Democrat councillors see themselves, on their local plan island, as isolated and cut off from external opinion and input. In fact, it is not an island but an iceberg, melting around the edges and slowly sinking.

[Sir Paul Beresford]

I came here from a high country farm in Otago, New Zealand. It was the sort of country that is green from horizon to horizon. In Mole Valley, if one stands on the viewing point at Box Hill, one can see the beautiful green landscape wrapped around our two towns and assorted villages. I came to Mole Valley safe in the knowledge that virtually all our precious natural surroundings were protected. They were either green belt, areas of outstanding natural beauty, ancient forests or had some other form of protection. Admittedly, that makes it hard to draft a local plan with adequate numbers of new houses. Under those circumstances, the housing target for Mole Valley is high, but it is only a target.

As I mentioned earlier, I am a former leader of Wandsworth Council. I am not—I emphasise the word not—suggesting that Mole Valley could or should mimic Wandsworth's approach, but it is worth noting that that council, when it was Conservative, managed to build or have in plan more dwellings than the rest of inner London combined. It did so with creative thinking and by embracing innovation—it can be done.

The main towns of Mole Valley need reviving. Dorking and Leatherhead need shops. Shops need shoppers, and shoppers need homes. Years ago, I ran a brief investigation on the extensive files held by Boots the Chemists on Mole Valley shoppers based on data taken from their loyalty cards. It was apparent that the vast majority of youngsters left Mole Valley for university and beyond, and they did not return until at least their mid-30s. We need to draw these younger people back, but three, four or five-bedroom houses on the outer reaches of Mole Valley's green belt will simply not do that. We need modern flats close to commuter hubs such as Dorking or Leatherhead stations. There is land, including car parks, near and even directly adjacent to Leatherhead station and on the so-called Aviva site, that would be ideal for development.

The local plan contains development, but it is inadequate, insufficient and will not provide enough dwellings. Seizing the opportunities now will maximise the amount of brownfield land available for development. We can even work with National Rail to develop on its land—I have done it. We must take any chance to prevent the Lib Dems from grabbing our precious green belt and forever ruining our irreplaceable natural surroundings.

Early on, in the run-up to developing the plan, many villages and parish councils were asked for input and put in hours of community work developing neighbourhood plans. These plans were carefully thought out and provided for many units that would fit in with the villages without eroding the green belt. This was what I would call "modest and acceptable expansion". To the best of my knowledge, the plans have been ignored or discounted by this out-of-touch Lib Dem council.

My hon Friend the Minister is not able to respond directly to Mole Valley's plan, but he might be able to set some broad parameters or guidelines that may be helpful for the inspector in looking at this disgraceful plan. Moreover, I hope he will feel able to put a record of his thoughts, and perhaps mine, into the inspector's hands as evidence to be considered. Mole Valley needs a plan that saves its green belt and revives its towns.

2.38 pm

**The Minister of State, Department for Levelling Up, Housing and Communities (Paul Scully):** I congratulate my hon. Friend the Member for Mole Valley (Sir Paul Beresford) on securing a debate on a topic that is important not just to him and his area—I know he has campaigned vociferously on it—but to the country as a whole. I can think of few better things to do on a Friday afternoon than to talk specifically about Mole Valley's local plan. As he says, I am a near neighbour and know Dorking and Leatherhead well. Obviously, however, he rightly says that I am unable to go into the specifics, but I will try to deal with some of the general points, which may shed some light on the matter and complement his campaign.

The whole House will share a mutual appreciation of the parks and green spaces that add vibrancy to our communities and lift the spirits of the people within them. My hon. Friend was right to talk about the circular nature of shops needing shoppers and shoppers needing homes. The whole point of a local plan is to have a holistic view of the local area, rather than just chasing targets.

I mentioned green spaces and, after the NHS, they were what people turned to most during the pandemic, as a source of solace and space. It is that kind of holistic view that allows communities to breathe and expand. As we get past the covid pandemic, it is right that we reflect on what will keep our green spaces looking beautiful and brilliant in the months and years ahead.

My main message is that the Government share my hon. Friend's determination to ensure that there are adequate green spaces for communities to enjoy right across the country. As he said, I cannot comment on the specific case, because the Secretary of State and my Department have a quasi-judicial role in the planning system, but I can speak to our unwavering commitment to keeping the country green and beautiful, and to what exactly we are doing as a Government to protect green spaces while encouraging development in the places it is needed most.

My ministerial role in the planning system means that I cannot drill down into the specifics of local plans, including the evidence base, the handling of the planning process, or any proposal for a new policy, but I can share some facts about the plan and how it is submitted. Mole Valley put forward its emerging local plan for the Secretary of State to consider in February. As is normally the case, the then Secretary of State appointed an independent planning inspector to assess the emerging plan, and hearing sessions at the examination in public started in June. The independent inspector's role is to look at whether the plan is legally compliant before considering whether it is sound.

For a plan to be found legally compliant, the local planning authority must demonstrate that all the procedural checks and balances have been followed. Effective co-operation early in the plan making process is essential to ensure that the homes and infrastructure needed are planned for. It is expected that authorities collaborate with stakeholders to identify the relevant strategic matters to be addressed. For a plan to be considered sound, it should be positively prepared, justified, effective, and consistent with national policy. Ultimately, the inspector

may report that the plan is unsound and cannot be adopted by the local council, but that is not for me to decide.

For the plan then to be adopted, it will require a full council vote, where all elected councillors are able to have their say. Mole Valley's last local plan was adopted in 2009, and it stands to reason that having an effective, up-to-date plan in place is essential to identify the very latest development needed in any given area, deciding where it should go and dealing with planning applications. In this case, we would expect the local plan to set out the vision for Mole Valley and a framework for addressing housing needs and any other economic, social and environmental priorities, many of which my hon. Friend mentioned.

I hope that my hon. Friend will appreciate that due to my role, I cannot comment on specific planning applications, but he will know that local planning authorities are required to undertake a formal period of public consultation prior to deciding any application. Relevant concerns or considerations raised by local residents may be taken into account by the local authority. Applications are determined in accordance with the development plan for the area, unless material considerations indicate otherwise. Each application is judged on its own individual merit, and the weight given to those considerations is a matter for the local planning authority as the decision taker in the first instance.

Let me touch on what we are doing not only to protect but to enhance our green belt. I am proud to say that our national planning policy delivers on the promises we made in the 2019 manifesto, with strong protections that safeguard this important land for future generations—promises that I hope will remain in place, irrespective of the outcome of the leadership competition. The national planning policy framework sets two tests to protect the green belt and the openness of land within it: first, that a local authority should not propose to alter a green belt boundary unless there are truly exceptional circumstances; and secondly, that it can show during the examination of a local plan that it has explored every other reasonable option, such as using brownfield land, optimising the density of development, and discussing whether neighbouring authorities could take some of the development required. The long and short of it is that our current framework is clear that inappropriate development—a designation that includes most forms of new building—should not be approved on a green belt except in very special circumstances, as determined by the local authority.

**Sir Paul Beresford:** My memory, having been in the Minister's position, is that "exceptional circumstances" does not mean housing merely to fill the statistical numbers required or requested.

**Paul Scully:** Indeed. My hon. Friend is right. Exceptional circumstances means exactly that. It does not mean just jumping into targets because of a lack of preparation elsewhere. That is key to understanding the issue. He talks about the local plan and the robust steps that any local authority has to engage in to get a sound judgment by the inspector and get a local plan adopted in the first place. It is about not just chasing targets, but the holistic view that I was talking about earlier.

The logical counterweight to building on green belt is to make far, far better use of suitable brownfield land, especially to meet housing needs and to regenerate our high streets and town centres. It is a principle at the heart of our levelling up agenda and our mission to drive forward bold, Kings Cross-inspired regeneration projects in cities and towns across the country. My hon. Friend was very modest, as a former leader of Wandsworth Council, when he talked about that progressive council and the inspiration we can draw from it. For years, derelict sites across the country have been not only unloved but underutilised. In many cases, they happen to be the most sustainable locations for the kind of new homes and new developments we need, but too often that potential goes unrealised.

To help councils and support the re-use of suitable brownfield land, we have done a number of things, including updating the national planning policy framework so it sets out that planning policies and decisions must give substantial weight to the value of using suitable brownfield sites; increasing housing need by 35% in our 20 most populated urban areas in the UK, so we can make the best use of existing infrastructure, including schools, shops, GP practices, train stations and bus stations, as my hon. Friend alluded to; and requiring that every local authority collates and publishes a register of local brownfield land suitable for housing in their area. We have already seen the dividends of those kinds of forward-thinking policies. For example, the registers tell us that nationally we have more than 28,000 hectares of developable land, which is enough land for 1 million homes.

We are, of course, committed to building the homes the country needs and to ensuring they are built in the places they are needed most. Over recent years, housebuilding has defied all expectations. Thanks to the steps the Government took with the industry at the height of the pandemic, we kept the conveyor belt of house building going, with over 216,000 new homes built in 2020-21—just a small dip on the previous year. There is every indication that in 2022, even with the challenging economic backdrop, the numbers will climb back up in the coming months and years.

Thanks to measures such as the one we introduced in 2018 to assess local housing need—a measure that makes less opaque and more efficient the process of identifying how many homes any place needs—local areas are in a much better position. To help us reach our housing targets we changed the formula in December 2020 to grow the numbers of homes and meet demand in our 20 most populated urban areas. That will not just help us to deliver homes that help people get on to the housing ladder; it will also make sure we are developing in a way that makes the most use possible of existing infrastructure and helps us minimise the cost to the climate of long-distance commutes.

When we look to the future and what that future looks like for our planning process, the Government set out their vision through the reforms we proposed in the Levelling-up and Regeneration Bill, which was introduced on 11 May and is going through its parliamentary process now. The Bill will place a duty on local authorities to engage with their communities on proposed plans, giving communities far more say in planning applications and empowering them to have their say in the first place. The increased weight given to plans and national

[Paul Scully]

policy by the Bill will give more assurance that areas of environmental importance, such as national parks, areas of outstanding natural beauty and areas at high risk of flooding, will be respected in decisions on planning applications and appeals. The same is true of the green belt, which will continue to be safeguarded.

Meanwhile, measures to digitise the planning system will help radically transform the way that information about plans, planning applications and the information underpinning them is made available. That transparency will make the process smoother for all parties while putting the power back where it belongs: in the hands of local communities.

I thank my hon. Friend once again for securing the debate. With so much focus on other events, it is more important than ever that we keep discussing and debating the issues that really make a difference to people's day-to-day lives. Again, I can only apologise that we cannot go beyond generalities into the specifics of his constituency. What I will say, however, is that we have both faced Lib Dem councils, but it is so important that local councils of any colour engage with the residents

they represent. Councillors are there to reflect the desires of the people who put them in power in the first place. They have an incredible power to shape their community for decades to come through local plans. It is incredibly important that all areas get it right, but they can only do so by bringing people with them and going through the correct process.

When I look at the lie of the land with levelling up and regeneration and think about the direction of travel, I am reminded of a quotation from the American poet Randall Jarrell:

"The people who live in a golden age usually go around complaining how yellow everything looks."

Don't get me wrong—I know how much further we have to go to get the balance right between protecting green land and ensuring that the homes the country needs get built—but the Levelling-up and Regeneration Bill and the interest from parliamentarians on both sides of the House will help us to get there.

*Question put and agreed to.*

2.50 pm

*House adjourned.*

# Written Statements

Friday 15 July 2022

## CABINET OFFICE

### Government Transparency and Accountability

**The Minister for the Cabinet Office and Paymaster General (Michael Ellis):** Since 2010, the Government have been at the forefront of opening up data to allow Parliament, the public and the media to hold public bodies to account.

Such online transparency is crucial to delivering value for money, cutting waste and inefficiency, and ensuring every pound of taxpayers' money is spent in the best possible way.

The Government will continue to look at how the range of information published by the Government can be improved and made as useful as possible to the public, press and Parliament.

The following subject areas include documents and information on Government publications. Copies of associated documents can be found on gov.uk.

The Government have also undertaken a range of work in response to reports by the Committee on Standards in Public Life and Nigel Boardman, detailed below.

#### *Ministerial transparency*

Departments have published routine quarterly ministerial data on external meetings, gifts, hospitality and overseas travel.

#### *Transparency on special advisers and senior officials*

Special advisers are a critical part of the team supporting Ministers. They add a political dimension to the advice and assistance available to Ministers, while reinforcing the impartiality of the permanent civil service by distinguishing the source of political advice and support.

In line with legislation, each year the Cabinet Office lays in Parliament and publishes a list of special advisers and their costs. Today, the Cabinet Office will be laying in Parliament and publishing the list of special advisers in post as of 30 June, along with the annual cost of special advisers over the financial year 2021-22.

Departments have published quarterly data on gifts and hospitality received by special advisers, as well as information on special adviser meetings with senior media figures.

Routine quarterly data on hospitality, expenses and meetings of senior officials and on business appointment rules advice has also been published by Departments.

#### *Ministerial guidance on commercial involvement*

The Government commercial function will be publishing ministerial guidance on commercial involvement. A separate written ministerial statement on this will also be made. This sets out ministerial guidance through four stages of commercial activity, from before procurement starts to supplier and contract management post contract award. It also offers advice on how to maximise the value of ministerial involvement while maintaining the necessary safeguards.

#### *Covid absence statistics*

The Cabinet Office has been compiling cross-Government management information on absences due to covid-19 within the civil service since the start of the pandemic. The data includes sickness absences and special paid leave. In October 2021, we published the top level data on gov.uk. We have now completed the data collection and plan to add the final nine months of data to the existing publication. We will continue to collect sickness absence data related to covid-19 through our business as usual absence collection which we publish on an annual basis.

#### *Government response to the Committee on Standards in Public Life and Nigel Boardman*

The Government have been considering the "Standards Matter 2" report of the Committee on Standards in Public Life, alongside Nigel Boardman's report on the use of supply chain finance in Government.

In relation to recommendations in both reports that the Government should improve their processes for ensuring compliance with conflicts of interest rules, on 24 June 2022 the Cabinet Office issued new guidance on the declaration and management of outside interests in the civil service.

Further work is underway to ensure senior officials within Government Departments are aware of their compliance responsibilities, and have access to relevant training and support on compliance issues.

The Government have also implemented Nigel Boardman's recommendations on Government contracts and the use of supply chain finance in Government. The Government's model services contact, reissued on 11 April 2022, includes new provisions covering suppliers' potential conflicts of interest, while HM Treasury guidance on novel financing arrangements, issued on 18 March 2022, states that supply chain finance schemes require explicit approval and should rarely be used.

The "Statement of Government policy: Standards in public life", published on 27 May 2022, detailed the Government's reforms to the role and remit of the independent adviser on Ministers' interests. In deciding on these reforms, the Government carefully considered the relevant recommendations of the Committee on Standards in Public Life.

The Government are also taking action to improve the enforcement of the business appointment rules. Mechanisms are now in place for breaches of the rules to be taken into account in the award of honours. Agreement on a similar approach is being sought with the independent House of Lords Appointments Commission and the Government are now considering how to implement the same approach in relation to public appointments. Alongside this, the Government are considering consequences for prospective employers including through the procurement process.

Work on further reforms, including those proposed by the Committee on Standards in Public Life and Nigel Boardman, continues and will be informed by the new Prime Minister.

This statement responds to the motion passed by the House on 7 June 2022, *Official Report*, Vol. 715, col. 728, and Ministers will undertake to further update the House in due course.

**Guidance to Ministers:  
Participation in Government Commercial Activity**

**The Minister for Brexit Opportunities and Government Efficiency (Mr Jacob Rees-Mogg):** Representing around a third of public expenditure, contracts for goods and services with the external market are essential to the delivery of Government policy. The new Procurement Bill, introduced to Parliament on 12 May 2022, creates a simpler and more flexible commercial system that better meets our country's needs while remaining compliant with our international obligations. Ministers have the opportunity to participate fully in this system with certain safeguards to protect them from the risk of legal challenge.

This guidance note stresses the benefits of ministerial involvement in commercial activity; early involvement in upcoming procurements so that Ministers can specify what they want, including choosing how opportunities are presented to the market, and shaping the market to optimise the response; engagement with bidders during the procurement process so that they can hear of ministerial priorities directly; and working with suppliers to ensure that they deliver to contract.

The guidance also covers:

- how to interact safely with potential vendors, preserving the principle of equal treatment;
- how to use declarations of interest to maintain necessary transparency; and
- how Ministers can be involved with suppliers during the execution of contracts without prejudicing their Department's contractual rights.

Experience during the covid-19 response showed the value of ministerial engagement in commercial activity but also some of the risks, with a number of legal challenges based on the alleged direct involvement of Ministers in selection decisions. Simple safeguards can reduce this risk while enabling Ministers to participate fully in commercial activity and maximise the value to Government of contracts and supplier relationships.

The note updates guidance circulated to Ministers by the former Minister for the Cabinet Office in 2014. This revised guidance has been shared for comment and approval with current and former Ministers, Sir Nigel Boardman (in the context of his reviews of covid-19 commercial activity), and a number of non-executive directors from across Government. It has also been signed off by the Cabinet Secretary and the propriety and ethics team. All were supportive of the need for clarity in this area, and the guidance has been through several iterations to ensure inclusion of cross-Government views and expertise.

The guidance will be published on gov.uk and complements measures contained in the new Procurement Bill, but sits outside the Bill and the ministerial code. I have requested that a copy of the guidance be deposited in the Libraries of both Houses.

[HCWS209]

**FOREIGN, COMMONWEALTH AND  
DEVELOPMENT OFFICE**

**International Ministerial Conference on Freedom of  
Religion or Belief: London 2022**

**The Parliamentary Under-Secretary of State for Foreign, Commonwealth and Development Affairs (Vicky Ford):** My noble Friend the Minister for South and Central Asia,

North Africa, United Nations and the Commonwealth (Lord Ahmad of Wimbledon), has made the following written ministerial statement:

On 5 and 6 July 2022, my hon. Friend the Member for Congleton (Fiona Bruce), the Prime Minister's Special Envoy on Freedom of Religion or Belief, and I hosted the fourth international ministerial conference on freedom of religion or belief (FoRB) at the Queen Elizabeth II conference centre in London.

The conference and its associated fringe brought together Government delegations, faith and belief group leaders and civil society from over 100 countries for rich discussions to address challenges to the right to FoRB.

The conference explored the many facets of FoRB through 17 themed panel sessions and gave a platform to those persecuted for their religion or belief. Forty seven Governments, international organisations and other entities made pledges to take action in support of FoRB. Some 34 countries joined the UK in signing up to one or more of a set of statements protecting and promoting FoRB. We hope more countries will join these statements over the coming weeks.

The opening plenary session received contributions from: His Royal Highness The Prince of Wales; the Prime Minister; Secretary General of the Muslim World League, His Excellency Sheikh Al-Issa; Head of the Worldwide Ahmadiyya Muslim Community, His Holiness Hazrat Mirza Masroor Ahmad; the Archbishop of Canterbury, Justin Welby; Chief Rabbi, Ephraim Mirvis; President of Humanists International, Mr Andrew Copson; Spiritual Leader and Chairman of Guru Nanak Nishkam Sewak Jutha, Bhai Sahib Mohinder Singh, and President of the Hindu Forum of Britain, Mrs Trupti Patel.

In her opening speech, the Secretary of State for Foreign, Commonwealth and Development Affairs, my right hon. Friend the Member for South West Norfolk (Elizabeth Truss) outlined FCDO progress in implementing recommendations from the Bishop of Truro's 2019 report and noted the breadth of religion and belief groups that suffer from persecution.

I announced new UK funding for support for defenders of FoRB, including those persecuted because of their activism, as well as funding and expertise for countries prepared to make legislative changes to protect FoRB.

The conference was an important human rights milestone which galvanised international efforts to do more to protect and promote the right to FoRB. The challenge now is to turn words into action. We will do this through building coalitions of Government and civil society actors focussed on key themes from the conference, drawing on the convening power of the international religious freedom or belief alliance working alongside the special envoy, the FCDO will continue to work on this important human rights issue and build on momentum from the conference to champion global efforts on FoRB.

[HCWS205]

**HOME DEPARTMENT**

**Firearms Safety Consultation**

**The Minister of State, Home Department (Tom Pursglove):** The Government have today published their response to the consultation held on firearms safety, which sought views on a number of measures responding to issues raised during the passage of the Offensive Weapons Act 2019 through Parliament. The consultation contained proposals for how to mitigate the risks to public safety raised by these issues. The consultation closed on 16 February 2021 and more than 12,000 responses were received.

Our firearms laws are some of the toughest in the world and ensuring public safety through effective firearms control is a priority for the Government. Having carefully considered the responses received to the consultation, we have decided to introduce a range of measures to strengthen the controls.

The Government will:

Strengthen security requirements to mitigate the risk of theft of high muzzle energy rifles by requiring enhanced security for the secure storage and transportation of these particularly powerful firearms. This measure will be implemented by means of an order made under section 53 of the Firearms Act 1968;

Help safeguard young people against the misuse of air weapons by legislating to clarify the offence of failing to take “reasonable precautions” to prevent minors from having air weapons so that whenever under-18s are on the premises, “reasonable precautions” must include locking the air weapon out of sight when not in use and storing the ammunition separately. This change will be implemented by means of an order under section 53 of the Firearms Act 1968. We will also work with the airgun industry to ensure that home security devices are supplied with all new air weapons, and that retailers explain the importance of secure handling and storage to purchasers of new air weapons at the point of sale;

Tighten the control of miniature rifle ranges by requiring operators to obtain a firearm certificate and limiting such ranges to the use of .22 rimfire weapons. Primary legislation to implement these changes will be brought forward when parliamentary time allows; and

Tackle the unlawful manufacture of ammunition by introducing a new offence of possessing component parts with intent to assemble unauthorised quantities of complete ammunition. Primary legislation to implement this new offence will be brought forward when parliamentary time allows.

The Government also gave very careful consideration to the views put forward in relation to the proposal to remove the exception that permits unsupervised possession of air weapons by under 18s on private land with the occupier’s consent. This proposal was opposed by a majority of respondents and, on balance, the Government have decided not to proceed with it at this time. However, we will keep the matter under careful review with the possibility that further action could be taken in future.

On 20 June 2022, a Firearms Bill was put forward in the House of Commons as a presentation Bill. It was ordered that the Bill should be drafted and ready for Second Reading in March 2023.

A copy of the Government’s response to the firearms safety consultation has been placed in the Libraries of both Houses and is available on the Government’s website at gov.uk.

[HCWS206]

## LEVELLING UP, HOUSING AND COMMUNITIES

### Levelling-up Fund: Second Round of Applications

**The Secretary of State for Levelling Up, Housing and Communities (Greg Clark):** I am today opening applications for the next round of the levelling-up fund. This second round of the £4.8 billion fund will allocate further funding to communities across the United Kingdom, including investments in town centres and high streets, local transport upgrades and investing in cultural and heritage assets.

Prospective applicants have been developing their bids since the publication of the prospectus on 23 March 2022. In order to allow time for submission of bids via the online portal, applications will be accepted until midday on Tuesday 2 August.

It is important that the Government understand which bids enjoy the support of their local Members of Parliament, who represent their constituents. In order to reflect that some parliamentary constituencies cover more than one council area, every Member of Parliament in Great Britain will have the option to provide priority support to up to two bids.

I am determined to ensure that important levelling-up measures such as the levelling-up fund will be implemented at pace, and I encourage everybody to submit their bids for the fund now.

[HCWS207]



# Ministerial Correction

*Friday 15 July 2022*

## ENVIRONMENT, FOOD AND RURAL AFFAIRS

### Protecting and Restoring Nature: COP15 and Beyond

*The following is an extract from the debate in the Chamber on 14 July 2022.*

**Jeremy Corbyn:** Has the Minister had a chance to look at the comments made yesterday by Emma Howard Boyd, the chair of the Environment Agency, concerning the behaviour of water companies and the pollution in rivers, and her recommendation that instead of fining the chairs of the water companies that grievously pollute our rivers, consideration ought to be given to putting

those people in jail for the damage they are doing to our environment? Is he going to respond directly to the Environment Agency and wish it well in that endeavour?

**Steve Double:** I am very grateful to the right hon. Gentleman for his intervention and for raising that very important point. I am, of course, absolutely aware of the Ofwat report and the comments of the Environment Agency.

*[Official Report, 14 July 2022, Vol. 718, c. 581.]*

*Letter of correction from the Under-Secretary of State for Environment, Food and Rural Affairs, the hon. Member for St Austell and Newquay (Steve Double).*

An error has been identified in my response to the right hon. Member for Islington North (Jeremy Corbyn).

The correct information should have been:

**Steve Double:** I am very grateful to the right hon. Gentleman for his intervention and for raising that very important point. I am, of course, absolutely aware of the **Environment Agency** report and the comments of the Environment Agency.



# WRITTEN STATEMENTS

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# MINISTERIAL CORRECTION

Friday 15 July 2022

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**not later than  
Friday 22 July 2022**

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