

**Tuesday
17 January 2023**

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**HOUSE OF COMMONS
OFFICIAL REPORT**

**PARLIAMENTARY
DEBATES
(HANSARD)**

Tuesday 17 January 2023

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The House met at half-past Eleven o'clock

PRAYERS

[MR SPEAKER *in the Chair*]

Oral Answers to Questions

BUSINESS, ENERGY AND INDUSTRIAL STRATEGY

The Secretary of State was asked—

Energy Costs: Support for Businesses

1. **Peter Gibson** (Darlington) (Con): What steps his Department is taking to support businesses with energy costs. [903107]

The Secretary of State for Business, Energy and Industrial Strategy (Grant Shapps): The energy bill relief scheme provides discounts on the wholesale element of gas and electricity bills to ensure that all eligible businesses are protected from high energy costs over the winter period. The support is applied automatically to bills.

Peter Gibson: I thank the Secretary of State for that answer. The Government have already awarded Cummins, the engine maker in Darlington, £14.6 million to develop a hydrogen combustion engine, which will help the road haulage industry to decarbonise and reduce business energy costs. Does my right hon. Friend agree with me that investment in alternatives such as that will benefit businesses into the future, will he look at the regulation to enable this technology to be exploited and will he visit Darlington to see Cummins?

Grant Shapps: I think the answer is three yeses. My hon. Friend is absolutely right to highlight the importance of that hydrogen technology; it is one of the reasons the UK has a global lead. I am looking very closely at how off-road hydrogen vehicles could also be a big part of our decarbonisation strategy.

Sarah Champion (Rotherham) (Lab): Some 440 redundancies have just been announced across Liberty Steel, including 185 in Rotherham. It cites soaring energy costs as a major factor behind the decision. It is no surprise that its announcement comes just days after the Government said that they were going to start withdrawing support for business energy costs, and inflated energy markets have placed British steelmakers at a profound disadvantage. When will Ministers step up and address this, as our competitors' Governments do?

Grant Shapps: As the hon. Lady will know, I am of course very concerned about the Liberty Steel position, and I am working very closely with it and everyone else involved. There has been £18 billion of support to business, and we have just announced a further £5.5 billion specifically on energy bills. On energy-intensive industries,

there is further support through an 85% measure, which we are also reviewing to take up to 100%. We will work very closely with the company, and I will undertake to work, with my Ministers, with her as well.

Boris Johnson (Uxbridge and South Ruislip) (Con): Does my right hon. Friend agree that, in addition to the excellent solution proposed by my hon. Friend the Member for Darlington (Peter Gibson), now is the time for the Government to exploit this country's technological lead, and build a fleet of small modular nuclear reactors as part of our Great British Nuclear programme? While I am at it, is it not time that the Labour party apologised for 13 years of bone-headed hostility to any new nuclear power in this country?

Grant Shapps: I think it is fitting if I start with the apology, because I inadvertently airbrushed my right hon. Friend out of a picture on Twitter last week. I think my team were confused: I simply told the team that he needed hair brushing, not airbrushing. No one did more to progress space than my right hon. Friend as Prime Minister, and although the space launch was not successful last week, I know it is the start of a very important new sector for this country.

On my right hon. Friend's point about small modular reactors, he is absolutely right. We will be announcing the creation of Great British Nuclear very shortly, and small modular reactors—Rolls-Royce and the others—will play an amazingly important part in this nuclear mix, which will get us back up to 25% of our power being from nuclear.

Mr Speaker: I think Lancashire would be a great place for it.

Jessica Morden (Newport East) (Lab): As my hon. Friend the Member for Rotherham (Sarah Champion) said, high energy costs and competitiveness were cited by Liberty Steel when it also announced the idling of the Newport site, which is really hard news for the dedicated and skilled workforce there. No more warm words from the Government: what will the Government practically do to work in partnership with our industry, as other European countries are doing—and they are far more generous, which is the point here—to ensure that this key strategic industry is competitive?

Grant Shapps: The Government have worked very hard with the steel industry, to the sum of hundreds of millions of pounds, and will continue to do so. We do recognise the strategic importance of steel, and we also recognise that energy prices are very high. As I mentioned to the hon. Member's colleague, the hon. Member for Rotherham (Sarah Champion), a moment ago, we have already consulted on and will be in a position to say more soon about greater discounts in the energy-intensive industries, but we need to work together to make sure we can deliver that, and I look forward to extending the invitation to her as well.

Mr Speaker: I call the shadow Secretary of State.

Jonathan Reynolds (Stalybridge and Hyde) (Lab/Co-op): Last Monday the Government presented the next stage of their energy support scheme, but it got a decidedly mixed response. The Federation of Small Businesses calculated that it is worth just 2p per kilowatt hour of

electricity to the average small business, which it says is not enough to be material to a business's decision to close or not, despite that element of the scheme costing £2 billion of taxpayers' money. The worst of all worlds would be a scheme that costs a large amount of money, while failing to improve the situation facing businesses in any significant way. Will the Secretary of State respond to that criticism and explain the Government's thinking behind the design of that stage of the scheme?

Grant Shapps: The hon. Gentleman will know that UK gas wholesale prices—the forward price—peaked at £600 in August. I looked this morning before coming to the Dispatch Box, and it is currently at 136p per therm, which is a massive reduction. We are very much of the view that we must continue to provide support to business, on top of the £18 billion, which is why the Chancellor has announced up to another £5.5 billion. We also recognise that prices are lower now than they were before the invasion of Ukraine, so we will track the issue carefully and continue to provide that support to business.

Jonathan Reynolds: As we heard from colleagues, energy prices are inextricably linked to our country's competitiveness. Last week, Make UK published a survey of manufacturing businesses. That report was damning, with businesses saying that under the Conservatives they pay a premium for doing business in the UK. They can see that the political instability caused by this Government has driven investment away from Britain, and after three Prime Ministers, four Chancellors and three Business Secretaries last year, it is hard to disagree. Does the Secretary of State accept that the low investment the Conservatives have presided over is at the heart of our economic problems? What is he planning to do this year finally to change that?

Grant Shapps: No, I do not accept the hon. Gentleman's analysis. He must recognise that in countries such as Germany, for example, where he is right to say that energy costs for business are lower, that cost is reflected in typically higher costs for domestic bills, and he would need to say whether he supports that. In addition, £18 billion is a huge amount of support. Taxpayers are having to pay that money, and it is a question of getting the right balance between the taxpayer and industry. I have already explained the ongoing support we will put in, in addition to the energy-intensive industry consultation that has already gone out, and we will say more about that shortly.

Household Energy Bills

2. **Theresa Villiers** (Chipping Barnet) (Con): What steps he is taking to support households with energy bills. [903108]

6. **Paul Holmes** (Eastleigh) (Con): What steps he is taking to support households with energy bills. [903112]

8. **James Grundy** (Leigh) (Con): What steps he is taking to support households with energy bills. [903114]

The Secretary of State for Business, Energy and Industrial Strategy (Grant Shapps): The Government are supporting households with their energy bills through the energy

price guarantee, the energy bills support scheme, and alternative fuel payments for households that use alternative fuels such as heating oil to heat their homes.

Theresa Villiers: Will the Government take action to decouple the cost of gas supplies from renewables, because that is a way to get the cost of renewable energy down, helping households and also helping the taxpayer fund the important package of support that the Government have introduced for energy bills?

Grant Shapps: My right hon. Friend makes an excellent point, and it is noticeable that gas prices are high, but the price of renewables is typically much lower. Indeed, for a whole load of days in a row more than half our electricity has been provided through renewables, in particular offshore wind. That decoupling is important, but it is also not straightforward, as my right hon. Friend will know. It is something that the Minister for Energy and Climate and I are actively working on.

Paul Holmes: Eastleigh has a diverse housing mix that includes pensioners, those living in park homes and lower-income families, who are all struggling to pay their energy bills. What steps is the Secretary of State taking to pass on any falls in wholesale energy prices to consumers, so that they pay less as prices come down?

Grant Shapps: My hon. Friend raises a good point. What concerns me is the idea that when wholesale prices go up we get a rocketing in domestic prices, but as wholesale prices fall again, as they have done, we get a sort of feathering down, very slowly. I am concerned about that and I have written to Ofgem asking it to look at the market. Energy companies are forward buying their energy by several months, but we need those changes to come through in reductions to households, and we will be pressing to make sure that happens.

James Grundy: Will my right hon. Friend confirm that the support the Government have provided to households to help with their energy bills will continue once current arrangements come to an end later this spring, and until international energy markets have fully stabilised?

Grant Shapps: I am pleased to confirm that the energy price guarantee has been extended to April 2024, so that support will continue. As I mentioned earlier, we are seeing some of the prices moderate, but the problem is that that combination of higher prices could still continue to lead through, which is why we will keep the energy price guarantee in place.

Mr Clive Betts (Sheffield South East) (Lab): May I ask the Secretary of State about two groups who have not had much support so far? One group is households on a communal heating scheme who get their heating bills from their landlord. The Government have announced measures to rectify that situation, but could registered housing providers such as housing associations and local authorities be allowed to apply jointly for their tenants, to ease them into the scheme? Secondly, people on housing benefit do not get the additional help for being on a low income that those on universal credit receive, because housing benefit is not a Department for Work and Pensions benefit. Why is there discrimination against housing benefit recipients? It really is unfair, is it not?

Grant Shapps: I know that the hon. Gentleman and the whole House recognise how complex it has been to put in place the schemes to pay money to people in a system that is usually meant only for people to pay money to energy companies. That has been easy to resolve through the simple direct debit billing method but much more complicated in edge cases including combined energy and heat power and other off-grid measures. It is probably best if I ask my right hon. Friend the Energy and Climate Minister to speak to him specifically about the cases that he raised, because they are so complex that that probably requires a meeting and a further clarification letter.

Drew Hendry (Inverness, Nairn, Badenoch and Strathspey) (SNP): Domestic energy companies are routinely raising people's direct debits above the level of energy that they use and need to pay for. In the process, they are building up credit balances—sometimes of hundreds of pounds of people's money—when those people cannot afford that. Will the Minister meet me to discuss how to hold the energy companies to account and ensure the automatic repayment of overcharging?

Grant Shapps: I entirely agree with the hon. Gentleman. I have had the experience myself where the energy company arbitrarily decided to put an outrageous figure into the direct debit. Once someone challenges that figure, the company will fall back from that—but that is if they can get through on the helpline.

Drew Hendry indicated dissent.

Grant Shapps: I absolutely share the hon. Gentleman's concern and will offer him a meeting with the Energy and Climate Minister specifically on this matter.

Clive Efford (Eltham) (Lab): I wonder what discussions the Secretary of State has had with the energy companies following the report last week from Citizens Advice showing that hundreds of thousands of customers are being forcibly moved on to prepayment meters. Has he had discussions with his colleagues in the Ministry of Justice? Forcible entry to make hundreds of these changes is being approved on an industrial scale in minutes flat in magistrates courts. It is a real scandal. What is he doing about it?

Grant Shapps: The hon. Gentleman is right on that point. My right hon. Friend the Energy and Climate Minister and I have instructed our officials to draw up measures that could be helpful. We also have a letter to go to Ofgem once we have that advice. I am very concerned about this happening through an enforced process. We are on the public's side and trying to fix it.

Helen Morgan (North Shropshire) (LD): The alternative fuel payment scheme is being applied to people's electricity bills where they have their own direct supply, but, for people in park homes or on houseboats without their own electricity, such support is difficult to access, and they are often the types of people who struggle to get online. Will the Secretary of State consider a better public information campaign for those households and support with access to applying for the scheme for those who struggle to get online?

Grant Shapps: The hon. Lady points out another one of the edge cases in park homes. Many hon. Members have park homes in their constituencies, including me, and it has been more complex to get the money to them. She will be pleased to hear that the pilot scheme to get that money out to them launched yesterday. It will be a process through the local authority, and we are making sure that it is expedited as much as possible.

Mr Speaker: I call the shadow Minister.

Kerry McCarthy (Bristol East) (Lab): According to Citizens Advice, someone is being cut off from their energy supply every 10 seconds. With millions unable to afford to top up their prepayment meters, self-disconnections have rocketed. Is it not the Government's and the energy regulator's responsibility to ensure that people are not sitting at home in the cold and in the dark? As temperatures once again reach freezing point across the UK this week, will the Government introduce an immediate moratorium on the forced installation of prepayment meters while their use is reviewed?

Grant Shapps: It is a matter of considerable concern that anybody should be removed from their power or heating. We have specifically asked the energy authorities not to go down that line and asked Ofgem to do the same. As I mentioned just moments ago, officials are actively working on this issue, with a letter ready to go to Ofgem as well. She is right to highlight this issue. We do not want to see people cut off during this cold weather. We will return to the House with more detail.

Small and Medium-sized Businesses

3. **David Simmonds** (Ruislip, Northwood and Pinner) (Con): What steps he is taking to support small and medium-sized businesses. [903109]

4. **Maggie Throup** (Erewash) (Con): What steps he is taking to support small and medium-sized businesses. [903110]

16. **Stephen Hammond** (Wimbledon) (Con): What steps he is taking to support small and medium-sized businesses. [903122]

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Kevin Hollinrake): It is absolutely right that we direct support where we can to our SME community. We have reversed the national insurance rise, saving SMEs approximately £4,200 a year on average; provided £13.6 billion of business rates support over five years; cut fuel duty for 12 months; and raised the employment allowance to £5,000. The energy bill relief scheme is also protecting SMEs from high energy costs, as will, from April, the energy bills discount scheme.

David Simmonds: Before Christmas I held a session with hospitality businesses in my constituency. Although they were appreciative of the energy bill relief scheme, they expressed some concern that they were not necessarily seeing it reflected in their bills. What assurances can my hon. Friend provide to ensure that companies, such as Hop and Vine in Ruislip High Street, see Government support reflected in reduced energy costs?

Kevin Hollinrake: The £18 billion energy bill relief scheme is set out clearly in legislation, so it should be applied in a uniform way by all licensed suppliers. The regulations include a robust monitoring compliance and enforcement regime. Suppliers are required to inform customers about the details of support, including the amount of the discount and the supply price, to ensure transparency. That will also be the case with the energy bills discount scheme, which starts in April.

Maggie Throup: Many SMEs are facing increasing pressure to agree lengthy payment terms of up to 90 days as a prerequisite to securing contracts with larger firms. That has significant cash-flow implications for businesses that already operate on a tight margin. To support further SMEs such as those operating across Erewash, will my hon. Friend commit to working with Treasury colleagues to review the UK's payment terms regulations with a view to reducing the maximum credit period, as has happened in Germany?

Kevin Hollinrake: I thank my hon. Friend for raising that point. This is a very significant problem for many businesses, particularly micro-businesses. Our prompt payment and cash flow review will examine business behaviours and small business experience of late payment and long payment terms, to help ensure that the UK has arrangements in place to best support small businesses. It will include looking at the payment reporting obligations and a review of the role of the Small Business Commissioner.

Stephen Hammond: Wimbledon's clubs and pubs are at the heart of our community and, like my hon. Friend the Member for Ruislip, Northwood and Pinner (David Simmonds), several have asked me how the Government will ensure that the scheme meets the needs of hospitality. Will my hon. Friend ensure that Ofgem takes action against suppliers whose actions damage small businesses in my constituency and across London?

Kevin Hollinrake: My hon. Friend raises a very important point. My hon. Friend the Minister for Energy and Climate and I recently had a roundtable with energy suppliers to discuss exactly that point: ensuring that the support the Government are providing is passed on to SMEs. The energy suppliers assure us that that is happening. We have asked Ofgem to take a closer look at that and it will report back to us shortly.

Mr Speaker: I call the Chair of the Business, Energy and Industrial Strategy Committee.

Darren Jones (Bristol North West) (Lab): Britishvolt, the once valued £3.8 billion site of national importance for the production of electric vehicle batteries in our country, is today going into administration. Does the Minister agree with me that the future of UK car manufacturing relies on UK battery production? If so, what is he going to do about it?

Kevin Hollinrake: The hon. Gentleman raises a very important point. It is important to note that we have not withdrawn any money from Britishvolt, but clearly British taxpayers' money is important and it is important that we dispense that money in a responsible way. There are clear milestones that we expect anybody in receipt of public money to hit. We are looking at the situation very carefully to make sure that they are doing so.

Samantha Dixon (City of Chester) (Lab): In Chester, we are fortunate to have a high street full of wonderful small and medium-sized businesses. The Chancellor's announcement of cuts to the energy bill relief scheme from April will be devastating to many of those businesses. The cost of living crisis continues, yet the support is being pulled. Does the Minister agree that businesses need support to continue driving our economy?

Kevin Hollinrake: I do agree that we need to continue to support businesses. The £18 billion energy bill relief scheme package was very generous. We are now seeing prices moderate, which will help lots of SMEs, and particularly the high street businesses to which the hon. Lady referred. The replacement scheme—the EBDS—is another £5.5 billion of taxpayers' money. We have to be careful in terms of balancing the books and being responsible with the public finances, but I absolutely agree that businesses need continued support, which is what they are getting from the replacement scheme and from several other measures I mentioned in my first answer.

Mr Gregory Campbell (East Londonderry) (DUP): In the next few months small businesses will, like many others, face massively increased council tax bills here in Great Britain and rates bills in Northern Ireland. Does the Minister agree that the early payment discount scheme should be looked at and revised to 4% or 5% across both domestic and non-domestic council tax and rates payers?

Kevin Hollinrake: Most of the businesses that we deal with pay business rates rather than council tax, but we nevertheless have to make sure that the schemes are as affordable as they can be, which is why we have stepped in with £13.6 billion of business rate discounts, targeted at SMEs. We have to look at the ongoing situation and make sure that support is available, as we are doing in many different respects, not least by helping those small businesses that have premises.

Chi Onwurah (Newcastle upon Tyne Central) (Lab): AMLo Biosciences is a Newcastle University spin-out whose groundbreaking research will save lives by making cancer diagnosis easier and more accurate. AMLo spends millions on research and reinvests all its research and development tax credits into R&D. The Government's tax credit changes will halve what AMLo can claim, meaning less research and fewer new jobs. Its investors may ask for it to move abroad, where R&D is cheaper. Many Members have similar examples in their constituencies. Will the Minister explain why the Government issued no guidance, gave no support and had no consultation on the changes to SME R&D tax credits? Does he accept that whether in respect of hospitality heating bills or spin-out science spend, the Government are abandoning small businesses?

Kevin Hollinrake: Clearly, we have to balance the interests of the taxpayer with the interests of small business. We have to make sure that the money that is being utilised for R&D is properly spent, and there were concerns about abuse of the small business R&D scheme. It is good that the Treasury is now looking into the matter and looking to move towards a simplified universal scheme, which I would welcome and on which there is a

consultation. I absolutely agree that we need to make sure we have the right support for research and development in this country, not least for SMEs.

Onshore Wind Farms

7. **Nick Smith** (Blaenau Gwent) (Lab): What assessment he has made of the adequacy of the number of onshore wind farms developed in England since 2015. [903113]

The Minister for Science, Research and Innovation (George Freeman): Onshore wind in the UK has been a great success. It generates 25% of our total renewables, and since 2015 around 10 onshore wind projects, totalling 30 MW, have been given consent in England. We have made it clear that onshore wind is an important part of the energy mix and that we will now need more, which is why we are consulting on making changes to the national planning policy framework in England so that local authorities can better respond to the views of their local communities when they wish to host onshore wind infrastructure.

Nick Smith: New onshore wind has been stymied since 2015, even though it is our cheapest renewable. Shire-counties conservatism has been put ahead of our national interest; weak policy has undermined the UK's energy security, leaving us wide open to international shocks. Does the Minister not accept that all this has helped to cause family bills to skyrocket?

George Freeman: In a word, no. What has caused family bills to skyrocket is the international pressure on energy supply chains, the war in Ukraine and the economic sanctions in respect of Russia. I accept the point that the costs of onshore wind have fallen dramatically through our contracts for difference round 4. This is a UK success story, which is why we are keen to do more. The public-opinion data show that 78% of the public support onshore wind. We want to make sure that we do not impose it on local authorities and are giving them more freedom to make sure they can reflect local demand so that it is renewable energy led by communities with community benefit.

Sir James Duddridge (Rochford and Southend East) (Con): Looking out from the east of my constituency, one can see a number of offshore wind farms, which are more efficient and cheaper. The Government have done really well over the past 10 years by increasing the renewable generation of electricity fivefold; does the Minister agree that that not only helps to cut emissions but pump-primes new jobs markets in the generation of clean energy around the world?

George Freeman: As a BEIS Minister and as an East Anglian Member of Parliament, I absolutely agree with my hon. Friend. The southern North sea is becoming the Saudi Arabia of wind energy, and the Norfolk and Suffolk coast and the new hydrogen freeport at Felixstowe and Harwich are part of the way in which we are growing the infrastructure for smart advanced wind and a linked hydrogen economy in the 21st century.

Advanced Manufacturing Sector

9. **Mark Pawsey** (Rugby) (Con): What steps his Department is taking to support the advanced manufacturing sector. [903115]

The Minister for Industry and Investment Security (Ms Nusrat Ghani): The Government support advanced manufacturing through programmes in strategically important manufacturing sectors such as aerospace, automotives and life sciences. We have committed nearly £650 million to high-value manufacturing Catapult centres, and £200 million to the Made Smarter programme.

Mark Pawsey: Pramac Generac recently acquired Off Grid Energy Ltd, a highly innovative SME based in my constituency which makes high-tech power storage solutions to reduce fuel consumption and carbon emissions. Will the Minister join me in welcoming the high-quality advanced manufacturing jobs that it is providing, and may I invite her to visit Rugby to see the work that it is doing to provide more resilient, sustainable, efficient energy supplies?

Ms Ghani: I welcome the invitation, and it would be remiss of me not to wish my hon. Friend a happy birthday for yesterday.

We salute the great work that is being done in this firm and others throughout the country, and welcome the jobs that they provide. This is exactly why the Government's £1.2 billion investment was set up for high-value manufacturing centres, to help manufacturers to bring advanced technologies such as these to the market. I look forward to visiting my hon. Friend's constituency.

Emma Hardy (Kingston upon Hull West and Hessle) (Lab): Not just the advanced manufacturing sector but many sectors throughout the country struggle to recruit staff with the skills that they need. I hope the Minister will support the initiative "Work Hull. Work Happy." Its aim is to make Hull the co-working capital of the UK by encouraging businesses up and down the country to come and recruit the remote workers that we have in the city, because people should not have to leave the place they love for the job they want.

Ms Ghani: There is nothing I could disagree with there. It is absolutely right that we focus on the skilled workforce that so many of our manufacturing sectors are struggling to recruit, and any opportunity to show and share with the skilled workforces, or even help them to "skill up", is welcome news.

Fuel Poverty

10. **Mary Glendon** (North Tyneside) (Lab): What recent estimate he has made of the number of households in fuel poverty. [903116]

25. **Vicky Foxcroft** (Lewisham, Deptford) (Lab): What recent estimate he has made of the number of households in fuel poverty. [903131]

The Minister for Industry and Investment Security (Ms Nusrat Ghani): The latest statistics, published in February 2022, show that 3.2 million households in England were fuel poor in 2020. Updated estimates are due to be published next month. Fuel-poor households

can benefit from schemes including the energy company obligation, the local authority delivery scheme and the home upgrade grant, which will help them to improve the energy efficiency of their homes.

Mary Glendon: According to the Fuel Poverty Monitor released by National Energy Action today, from next April onwards the number of households in fuel poverty in the UK could reach 8.4 million. What additional targeted support will the Government provide for those on the lowest incomes—particularly those who are not receiving benefits—when the energy price guarantee increases to £3,000 in April?

Ms Ghani: The Government are committed to tackling fuel poverty, and I welcome the work of National Energy Action, which published its Fuel Poverty Monitor today to highlight the difficult situation in which many households have found themselves. Just as we provided support during covid, we are providing it now. I believe that the report looked fundamentally at means-tested benefits, pensioners and those with disabilities. The Government have committed £26 billion for 2023-24, including £900 for households on means-tested benefits, £300 for pensioners and £150 for those with disabilities, as well as an extra £1 billion to allow the extension of the household support fund. However, I know that we will continue to do more.

Mr Speaker: I think we have got the message.

Vicky Foxcroft: Today a group of nearly 100 charities and other organisations, co-ordinated by Scope, wrote to the Chancellor calling for a social energy tariff to help low-income and vulnerable older and disabled households to heat their homes. A survey for Age UK suggests that 24% of over-60s are living in homes that are colder than they would like, rising to 27% for older people with a disability. Will the Minister commit herself to giving serious consideration to targeted support for those groups?

Ms Ghani: As I listed earlier—I do not wish to test the patience of the Speaker—we have focused on targeted support, but I also remind the House of the local authority delivery, which is focused on low income households and those homes that need energy efficiency upgrades. They have a grant ability of £787 million to provide the support that is needed. That is on top of the £26 billion that I mentioned earlier for 2023-24.

Energy Transition Projects: Scotland

11. **Owen Thompson** (Midlothian) (SNP): What plans he has to support energy transition projects in Scotland. [903117]

The Minister for Industry and Investment Security (Ms Nusrat Ghani): The Government remain firmly committed to the low carbon industry across the UK, including Scotland. Our landmark North sea transition deal will support the offshore oil and gas sector, including its supply chain, for the delivery of low carbon hydrogen production and carbon capture, usage and storage.

Owen Thompson: Former mining communities such as my own in Midlothian contributed so much to the economy through our mining history, but for many years they have been left behind after the pits were

closed. New opportunities are now widely available, especially in coalfield communities, so will the Minister commit to a clear road map to fast-track more geothermal energy projects and to use mine water energy to help in production, particularly to help regenerate coalfield communities across the nations of the UK?

Ms Ghani: We will continue to provide as much support as we can to ensure we are helping emerging technologies in the renewable sector, but the North sea transition deal will support 40,000 high quality direct and indirect supply chain jobs, and also generate up to £14 billion to £16 billion of investment up to 2030. This is good support and investment that is being provided to these communities.

David Duguid (Banff and Buchan) (Con): Of course we all welcome the ongoing development and implementation of renewable and low carbon sources of energy, not only in Scotland but right across the United Kingdom, and especially in my constituency of Banff and Buchan, including carbon capture and storage, net zero thermal energy and a range of other sources, but could the Minister explain why the awarding of new oil and gas licences and producing our own domestic hydrocarbons is not at all inconsistent with our net zero objectives?

Ms Ghani: I think it is only being seen as inconsistent with some of the proposals provided by the Scottish Government. We will be investing £1 billion to support carbon capture and storage in four industrial clusters by 2030. My hon. Friend is absolutely right: for us to have an energy mix, we need oil and gas and we need it here in the UK, because obviously there is less of a carbon footprint if we are not shipping it in.

Mr Speaker: I call the Scottish National party spokesperson.

Alan Brown (Kilmarnock and Loudoun) (SNP): For a real energy mix we need dispatchable energy such as pumped storage hydro, and in Scotland we have such schemes ready to go, including Coire Glas, Cruachan and Red John, which between them could generate 2.5 GW of power—almost the same as a new power station but at a fraction of the cost. In the BEIS Committee, the Secretary of State told me that he had met representatives of SSE to discuss Coire Glas—a meeting so memorable that SSE does not seem to know anything about it. When are this Government going to get a grip and meet the industry to agree a route to market for pumped storage hydro?

Ms Ghani: I think the hon. Member is incorrect. I believe that the Secretary of State did indeed hold that meeting. What I find extraordinary is that the hon. Member will look at the energy mix but exclude nuclear, for example. We need to have everything in our energy mix, and the work that we are doing in the UK has shown that we are going on the right path. Our low carbon electricity sources such as solar, wind, and hydrogen, alongside nuclear, generated over 50% of the UK's energy last year in February, May, October, November, and December, I believe, so we do have a path forward.

Alan Brown: The reality about nuclear is that there is not one successful evolutionary power reactor—EPR—project in the world. Hinckley is a disaster and Sizewell C

will not happen in time, if it happens at all. On the energy mix, the UK Government's inaction has blocked pumped storage hydro, onshore wind was blocked for years in Scotland and we have had the rug pulled from under the feet of the Peterhead carbon capture project three times now. When will this Government finally support and give the go-ahead for the Acorn cluster, which is vital for reducing emissions in Scotland and the UK? Is not this cap-in-hand approach proof that Scotland has energy but not the power?

Mr Speaker: Order. The Minister must let the hon. Gentleman finish before she goes to the Dispatch Box. I cannot have both of you on your feet at the same time.

Ms Ghani: I am sorry, Mr Speaker. I was not sure if there was one question there or just a lot.

Mr Speaker: Order. I think I will decide that.

Ms Ghani: Forgive me, Mr Speaker. Just to clarify, the Secretary of State did meet that individual at COP. Within the hon. Member's few sentences, I will address the issue of Acorn, which was a sensible point. The promise of Government is to progress carbon capture, usage and storage at pace, and Acorn submitted a bid into the track 1 sequencing process, forming the reserve cluster. Should either of the track 1 clusters not be able to deliver, we would call on the Scottish cluster instead.

Energy Bills Support Scheme: Alternative Funding

13. Mohammad Yasin (Bedford) (Lab): What assessment he has made of the adequacy of the energy bills support scheme alternative funding. [903119]

The Minister for Energy and Climate (Graham Stuart): The energy bills support scheme alternative funding will provide £400 of credit to around 900,000 households without a direct relationship with an electricity supplier. This matches the energy bills support scheme in Great Britain, which is automatically delivering the discount to 29 million households.

Mohammad Yasin: My constituency is home to a number of residents who are waiting for the energy bills support scheme alternative funding. Despite the Government confirming alternative funding on 1 April 2022, not a penny has been paid to date. Why is this taking so long? When do the Government estimate the first payment will be received?

Graham Stuart: I share the hon. Gentleman's frustration. It is complicated. We do not live in a database society, so finding and identifying these people without putting public money at risk has been challenging. I am delighted to say, as my right hon. Friend the Secretary of State said earlier, that a pilot programme using the Government portal, and a telephone support service for those who struggle to access the portal, went live yesterday. We aim to have the portal open at the end of the month. If all goes well with the pilot, payments will be processed by local authorities and will go out as soon as possible in February, and certainly this winter. That is our aspiration.

Richard Fuller (North East Bedfordshire) (Con): I am afraid the Government are testing the patience of park home owners in my constituency. I have previously asked the Minister whether he can confirm that payments will be made directly to park home owners, rather than park home operators. Can he confirm that point, and that payments will be made as a block sum? Or will they be paid monthly, as per the standard programme?

Graham Stuart: I have spoken on a number of occasions with my hon. Friend, and with colleagues on both sides of the House, about making sure these residents are not forgotten. We have worked hard to make sure we have a system that can stand up and deliver. We give the funding to local authorities and, as soon as they have gone through the process and made the necessary verifications for the payment to go out, a single payment will be paid directly into the bank accounts of the people concerned.

Floating Offshore Wind Manufacturing Investment Scheme

14. Selaine Saxby (North Devon) (Con): When he plans to make an announcement on the floating offshore wind manufacturing investment scheme. [903120]

The Minister for Industry and Investment Security (Ms Nusrat Ghani): BEIS is currently processing the information it was provided through the request for information process that ran over the summer, in which there was significant interest. We will set out the next steps on the floating offshore wind manufacturing investment scheme in due course.

Selaine Saxby: I thank the BEIS team for attending last week's reception held by the all-party parliamentary group on the Celtic sea. As they heard at the reception, sustained investment is needed in a number of ports across the region to ensure that we harness the full opportunity of floating offshore wind in the Celtic sea and meet the ambition of 50 GW of flow by 2050. Can my hon. Friend confirm that steps are being taken to invest in ports across the region?

Ms Ghani: My hon. Friend was welcome to host BEIS colleagues at her event. BEIS recognises the potential for floating offshore wind in the Celtic sea region. Following the request for information, BEIS is continuing to engage with ports on their development plans to understand their investment needs in more detail. I know she has liaised and corresponded with the Energy Minister, and a letter is winging its way to her.

Tim Farron (Westmorland and Lonsdale) (LD): Although the Government are rightly considering the advantages that can be gained from rural and offshore renewable energy, will the Minister also consider the possibility of using tidal power, and particularly tidal turbines? The United Kingdom has the biggest tidal range on Earth after Canada, and we are using nearly none of it. Is it not time to consider this innovative technology? Will she meet me and those seeking to get tidal energy out of Morecambe bay?

Ms Ghani: I believe that the largest number of contract for difference licences were awarded to tidal, and the Energy Minister will be more than happy to meet the hon. Gentleman.

Postal Services

15. **Ian Lavery** (Wansbeck) (Lab): What steps he is taking to help ensure the effective provision of postal services. [903121]

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Kevin Hollinrake): Ofcom has a duty to ensure the provision of a financially sustainable and efficient universal postal service. Ofcom oversees Royal Mail's contingency plans to mitigate disruption to universal postal services, and it continues to closely monitor Royal Mail's performance.

Ian Lavery: Does the Minister share my deep concerns about the creeping increased shareholding in Royal Mail by Vesa Equity Investment, a company whose chief executive, Daniel K etínský, has close ties to Russia? What guarantees can the Minister give about the future of our cherished, 500-year-old Royal Mail?

Kevin Hollinrake: As I say, we have no plans to change the universal service requirements of the postal service. This Government are proud of their credentials on foreign direct investment, and we encourage foreign investment into this country. I notice from the global chief executive officer survey today that the UK is third in the world in terms of the places where people want to invest, and we want to make sure that that continues. We looked at this matter from a national security perspective and we did not feel there was an issue, so we welcome that investment.

Kelly Tolhurst (Rochester and Strood) (Con): Sadly, a long-established post office will be closing in my constituency in November, owing to an expansion of the pharmacy there, which is a success story. Many businesses locally, including the council, are desperate to take on a post office franchise. Will the Minister meet me to make sure we can secure Rochester's having a post office after November?

Kevin Hollinrake: Of course I will meet my hon. Friend; I have suffered closures of post offices in my constituency, so I know how difficult this is. We are committed to maintaining a network of 11,500 post office outlets and making sure that 99% of the population are within 3 miles of a post office. I am keen to meet her to see what we can do in this instance.

Mr Speaker: I call the shadow Minister.

Seema Malhotra (Feltham and Heston) (Lab/Co-op): Maintaining the universal service obligation as affordable and accessible for all, ensuring a fair deal for workers and improving the service by Royal Mail are what it will take to ensure the quality of postal services that our constituents need and deserve. Astonishingly, last year the International Distributions Services board led the company to losses of £1 million a day, just six months after reporting huge profits and paying out £567 million in dividends and the share buy-back, putting at risk the stability needed to modernise and keep Britain's Royal Mail competitive. Is this not so clearly the result of mismanagement at the highest level, and is it not now time for an inquiry into the actions of the board and the CEO and the risks facing the postal service?

Kevin Hollinrake: The Royal Mail is facing a difficult year—there is no doubt about it. One reason quoted in the update from the Regulatory News Service—this is a regulator-issued news bulletin, so it has to be accurate—on why the company has gone from a profit to a loss was the industrial action by the Communication Workers Union, which is putting tremendous strain on the Royal Mail and its customers, many of whom are going elsewhere, and indeed on the post office network. Will the hon. Lady condemn the fact that this is causing extra difficulties for the Royal Mail and some of these financial problems?

Topical Questions

T1. [903097] **Holly Mumby-Croft** (Scunthorpe) (Con): If he will make a statement on his departmental responsibilities.

The Secretary of State for Business, Energy and Industrial Strategy (Grant Shapps): On Thursday, I will be flying our flag on the global stage for the CBI in Davos, making sure the world knows that Britain is the place to invest. At the World Economic Forum, I will be setting out a bold vision to scale up Britain, backing British business, empowering our entrepreneurs and driving disruption.

Holly Mumby-Croft: Will my right hon. Friend give further detail on whether the Government think that the non-domestic energy support package will help to provide a level playing field for British steelmakers?

Grant Shapps: My hon. Friend, who has done more than many others to fight for and support steel in her constituency, is right to highlight the energy bills discount scheme, but other schemes, including the one I was talking about, the energy-intensive industries scheme, where we have the consultation to take the level up to 100%, may in the end be much more meaningful. I want to assure her, Opposition Members and the whole House that the Government are very focused on this issue.

Mr Speaker: I call the shadow Minister.

Justin Madders (Ellesmere Port and Neston) (Lab): Tomorrow, the Retained EU Law (Revocation and Reform) Bill comes back before us. It will see vital employment rights such as holiday pay, TUPE and maternity protections scrapped at the end of this year if Ministers do not act. Labour Members believe in strong employment protections, so will the Government vote with us tomorrow to ensure that those vital rights are saved?

Grant Shapps: There is absolutely no truth whatsoever in this idea that employment rights, environmental rights or other rights will be scrapped, and the sooner the Opposition stop peddling this stuff the better.

T3. [903100] **Selaine Saxby** (North Devon) (Con): What progress has my right hon. Friend made on promoting community energy?

The Minister for Energy and Climate (Graham Stuart): The levelling-up White Paper outlined that the new UK shared prosperity fund will support interventions that reinforce the Government's commitment to net zero by 2050. That includes £2.6 billion of funding for investment in places, including for community infrastructure projects.

Patrick Grady (Glasgow North) (SNP): The calls that we have already heard to take action to support people on prepayment meters are echoed by more than 40 Members of both Houses on the all-party parliamentary group on fuel poverty and energy efficiency. They, too, are calling for a ban on forced installation of prepayment meters by court warrant and an end to unfair standing charges and price differentials. It is not good enough just to hear nice words from the Government; they have to require action from the energy suppliers.

The Minister for Science, Research and Innovation (George Freeman): We agree that the most vulnerable consumers in this country should be protected. Those duties already lie with Ofgem. I shall repeat what my right hon. Friend the Secretary of State said earlier: it is completely unacceptable that vulnerable patients leave hospital and find that they have been automatically disconnected. We are convening a roundtable meeting and my right hon. Friends the Secretary of State and the Minister for Energy and Climate are putting pressure on Ofgem to make sure that vulnerable consumers are looked after.

T4. [903101] **Stephen Hammond** (Wimbledon) (Con): Wimbledon is one of the best places for young diverse entrepreneurs to start up. The recent London Chamber of Commerce and Industry report suggested that there were problems and additional problems for those entrepreneurs to access finance. What exactly are the Government doing to make sure that access to finance is open to as many people as possible?

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Kevin Hollinrake): The UK, including Wimbledon, is one of the best places in the world to start a business, as evidenced by the OECD report. My hon. Friend is right to raise the issue of access to finance, particularly for diverse groups. The Start-Up Loans Company has provided £1 billion of loans to around 100,000 businesses, including £2 million of loans to businesses in his constituency, and 40% of those loans go to people from a black, Asian and minority ethnic background.

Dame Meg Hillier (Hackney South and Shoreditch) (Lab/Co-op): There is an inconsistency in how the public sector is required to report greenhouse gas emissions. That makes it difficult to keep a track on progress as we approach net zero, and difficult for citizens to hold the public sector to account on delivery. What is the Minister doing to rectify that so that we can keep a proper track on what is happening?

George Freeman: May I take this opportunity, on behalf of the Department, to thank the hon. Member and the Public Accounts Committee for their report, to which we will very shortly reply? I am delighted to say that the public sector has reduced emissions by 44% since 1990 and the Department for Business, Energy and Industrial Strategy by 70% since 2010. We appreciate her Committee's point that the data—the metrics—have to be clear and coherent, and we are taking that on board.

T5. [903102] **Mr Philip Hollobone** (Kettering) (Con): To help promote energy security and to protect the planet, what steps is the Minister taking to reduce UK energy demand by the 15% target by 2030?

Graham Stuart: My hon. Friend rightly highlights the target set by the Chancellor to reduce by 15% demand across our energy system. The energy efficiency taskforce is being established, with my colleague Lord Callanan as co-chairman. We will be taking a number of steps, alongside the additional £6 billion in 2025-28, on top of the £6.5 billion being spent on energy efficiency in this Parliament.

Stephen Farry (North Down) (Alliance): I am grateful to the Minister for Energy and Climate and his officials for their work on rolling out the energy payments in Northern Ireland, which started this week. Will he reassure us that he will continue to work very closely on the roll-out with the energy companies and the advice sector, ensuring that photographic ID issues and potential changes of address by property occupiers and park home owners are addressed so that everyone across Northern Ireland receives help, particularly the most vulnerable?

Graham Stuart: I thank the hon. Gentleman for his question and for so assiduously pressing the case, along with his colleagues, for Northern Ireland residents. I am delighted to see payments going out automatically to direct debit payers, and vouchers going out to others. He is quite right to focus on this. Suppliers have worked with the Post Office in trying to make sure that the right instructions are going out alongside the vouchers to help people get through this. To avoid scammers, I encourage people to go to the Post Office and, ideally, get this paid into a bank account. That will be £600 for every household and family in Northern Ireland, which will help at this time.

T6. [903103] **Sir Christopher Chope** (Christchurch) (Con): What action is the Secretary of State taking to deal with the large number of house fires arising now because of malfunctioning solar panels?

Graham Stuart: Obviously, management of safety is not something for which I am directly responsible, but I am happy to follow up with my hon. Friend. I always thank him for giving me prior notice, which of course he did not do today.

Stephen Kinnock (Aberavon) (Lab): The Secretary of State is well known for his airbrushing skills, but he cannot airbrush the fact that, of the top 10 economies in the world, the UK is the only one with a declining steel industry. When is he going to sit down with Tata Steel and the other businesses to do a deal on green steel for the future of our workforce?

The Minister for Industry and Investment Security (Ms Nusrat Ghani): We are working with the whole steel industry across the UK and regularly hold meetings. I do not think the question was posed in an appropriate way, because we are doing a huge amount of work to support the steel sector, including providing £800 million since 2013. We have provided a package of relief support for non-domestic users throughout this winter worth £18 billion. The report published by the BEIS Committee, which I previously sat on, also mentioned that any earlier bail-out for Liberty Steel, in particular, would not have been good value for taxpayers' money.

T7. [903104] Andrew Jones (Harrogate and Knaresborough) (Con): Last week I visited Duftons Plumbing & Heating Supplies, a leading local firm, and its tie-up with Daikin UK, a heat pump manufacturer. The importance of having trained engineers locally available to advise customers and install green heating technologies was clear. Will my right hon. Friend please advise what support there is for training those new skills?

Graham Stuart: My hon. Friend is right to highlight the need for skills and training if we are to meet our ambitious net zero targets. On 20 September, the Government launched the latest phase of the £9.2 million home decarbonisation skills training competition, which will fund training for people working in the energy efficiency, retrofit and low-carbon heating sectors in England. We are confident that there is enough training capacity to meet demand for heat pump upskilling as heat pump deployment increases.

Liz Saville Roberts (Dwyfor Meirionnydd) (PC): The UK imports all medical radioisotopes used for treatment and diagnosis, mostly from European facilities that are due to close down by 2030. What assessment has the Secretary of State made of the need to ensure security of supply of nuclear medicines?

Ms Ghani: As the life sciences Minister I can say that we are working extensively with the industry to ensure that we have good equipment in our supply chains. I am not particularly aware of this situation, but I am happy to have a meeting or write to the right hon. Lady to see what exactly the problem is.

T8. [903105] James Sunderland (Bracknell) (Con): The UK is a hub of privately driven research and development. I am proud that my Bracknell constituency is the silicon valley of the Thames valley and the home of fantastic companies such as 3M, Dell, Honda and Panasonic, which is also great for local employment. What steps are being taken to encourage more international R&D investment into the UK?

George Freeman: My hon. Friend makes a good point. We have the groundbreaking commitment to move from £15 billion to £20 billion a year of investment in public R&D over this comprehensive spending review, the creation of the National Science and Technology Council, the recent launch of our international science partnership fund, the ISPF, which I announced in Japan with a first tranche of £119 million, a series of strategic bilats and multilats, and, of course, our £7 billion ring-fenced for Horizon for three years—if we cannot deploy it through Horizon, we will deploy it in other ways to support UK R&D.

Dan Carden (Liverpool, Walton) (Lab): I recently wrote to all the major energy companies to ask about the shameful practice of obtaining warrants to forcibly install prepayment meters. The responses showed a lottery across all the companies, but British Gas told me that 7,500 warrants were obtained in 2020. That jumped to 24,500 last year, and one court in the north of England approved 496 warrants in three minutes. Ofgem has proven incapable of dealing with this scandal; when will the Government act?

Graham Stuart: I thank the hon. Gentleman for this question and for the numerous parliamentary questions he has also tabled, highlighting the need to ensure that vulnerable customers, including those on prepayment meters, are treated properly by suppliers. Where customers are not treated properly, those suppliers are in breach of their licensing conditions from Ofgem, which, as he knows, has investigated that matter, has found the suppliers wanting and is taking compliance action now. I share his frustration, as does the Secretary of State, to ensure that the system not only does what it says on the tin, but delivers in practice for people, including his constituents and mine.

T9. [903106] Nigel Mills (Amber Valley) (Con): After the price of energy, the second most common complaint from local businesses in Amber Valley is that they cannot work out how the tariff that they are quoted bears any relation to the wholesale price and the cap. They then cannot work out why all the additional charges are now, for no obvious reason, a multiple of many times what they were a year ago. Can the Minister ask Ofgem to cut down on those practices so that businesses can see a fair and transparent price that cannot be altered halfway through the year?

Graham Stuart: It is important to differentiate between the domestic market, which is much more heavily regulated and for which, of course, we have the energy price cap, and the non-domestic market, which is much more complicated and for which we have not felt that a one-size-fits-all approach would work. But my hon. Friend is absolutely right to highlight issues where companies do not behave in the right way. That is why my right hon. Friend the Secretary of State and I are working with Ofgem to ensure that it fulfils its obligations. It may not be fully regulated in the same way, but it has licensed conditions and it needs to fulfil them.

Valerie Vaz (Walsall South) (Lab): Will the Minister confirm that post offices, which are at the heart of our community, will receive support for their energy bills so that they can continue to function for the rest of the community?

Graham Stuart: Post offices, like all non-domestic businesses and institutions, will benefit from the new energy price discount scheme, which follows the energy bill relief scheme, as announced by the Chancellor.

Priti Patel (Witham) (Con): My right hon. Friend the Energy Minister is more than aware of the deep anger in my constituency and across the east of England about National Grid's green proposals to put pylons across the whole of East Anglia. Will he give clear assurances that the Government will work proactively to explore offshore grid options—an alternative, basically—to deliver more resilience and capacity, and to protect our countryside?

Graham Stuart: I thank my right hon. Friend who, along with colleagues, has been assiduous in championing constituents' interests and making sure that no infrastructure that imposes a burden on constituents goes in if it is not necessary. I am pleased to say that we have launched the £100 million offshore co-ordination support scheme, which provides funding to ensure a more co-ordinated

approach. Although we recognise that we cannot forcibly change some contracts, we can—including with that funding—encourage developers to look at doing their infrastructure in the way that has the least negative impact on her constituents.

Gareth Thomas (Harrow West) (Lab/Co-op): Last year, a pay transparency came into law in Colorado. It requires employers to publish the salary range when they advertise for jobs, saving considerable amounts of time, and sometimes costs, for would-be employees. Would such a common-sense rule not be good for British job applicants and employers, too?

Kevin Hollinrake: That is an interesting point. We are looking at pay reporting, especially in larger companies. We want to minimise the burden of regulation on smaller companies, of course, but the hon. Gentleman raises an interesting point, and we will have a close look at it.

Dame Andrea Leadsom (South Northamptonshire) (Con): My right hon. Friend knows only too well our energy triple challenge of keeping the bills down, keeping the lights on and decarbonising. As chairman of the 1922 Backbench committee on Business, Energy and Industrial Strategy, I draw his attention to the fact that

we have just published a report on the future of energy. In my humble opinion, the report is packed full of incisive and actionable policy suggestions. May I invite him to meet me and my vice-chairs to discuss it and the implications for his Department?

Grant Shapps: My right hon. Friend is absolutely right in her analysis: I have not yet read her report but I look forward to receiving a personalised copy of it, and I certainly look forward to meeting her, alongside the Minister for Energy and Climate, my right hon. Friend the Member for Beverley and Holderness (Graham Stuart).

Steve McCabe (Birmingham, Selly Oak) (Lab): The west midlands has the highest fuel poverty in the country. How many west midlands homes will benefit from the new energy company obligation plus scheme when it comes online this year? Will the figure be nearer 4,000 or 20,000 homes?

Graham Stuart: I will write to the hon. Gentleman as I do not have those numbers to hand. I am delighted that we have gone from just 14% of homes being rated EPC C or above in 2010 to more than 46% now. That is not enough, but we have transformed the situation of UK housing stock that we inherited from Labour.

Police Conduct and David Carrick

Mr Speaker: Before I call the Home Secretary to make her statement, I remind Members of the sub judice rule. *[Interruption.]* Please, this is very important for all of us. In deciding how to apply the sub judice rule, I have to balance the public interest of the House considering matters of policy and public concern as soon as possible and the public interest in respecting the respective roles of Parliament and the courts. One of the purposes of the rule is to prevent the House even appearing to exert pressure on judicial decisions. This is why the rule applies until sentencing. Even though there has been a guilty plea, the sub judice rule applies in the case of David Carrick, except to the extent I have permitted reference to the case to give context to the statement. In particular, Members should concentrate on policy issues and avoid speculation about sentencing. I now call the Home Secretary.

12.35 pm

The Secretary of State for the Home Department (Suella Braverman): With permission, Mr Speaker, I will make a statement on misconduct and vetting in the Metropolitan Police Service following the horrific David Carrick case, and I thank you for your statement.

Yesterday was a dark day for British policing and the Metropolitan police, as an officer admitted being responsible for a monstrous campaign of abuse. I am sure the whole House will want to join me in expressing sympathy to the victims and in thanking them for their courage in coming forward. It is intolerable for them to have suffered as they have. They were manipulated and isolated, and subjected to horrific abuse. For anyone to have gone through such torment is harrowing, but for it to have happened at the hands of someone they entrusted to keep people safe is almost beyond comprehension. The victims have shown extraordinary strength and courage. Their testimonies were essential in ensuring that Carrick faces justice for his crimes. It is thanks to them that this vile predator has been taken off our streets, and the public are safer as a result.

The police perform a unique and critical function in our society. Every day, thousands of decent, hard-working police officers perform their duties with the utmost professionalism. They feel pride in putting on their uniform and want only the best for the communities they serve. I know that they will share our collective disgust that a fellow officer could be responsible for such a despicable betrayal of everything that they stand for. It is imperative that this cannot happen again, so I am grateful for Lady Elish Angiolini's assurance that she will look at this heinous case as part of her inquiry.

From the moment I became Home Secretary, I have made it clear that things have to change. Public trust is precious. Our model of policing by consent cannot work effectively without it. I discussed this case yesterday with the Metropolitan Police Commissioner, Sir Mark Rowley, and I am encouraged by the action he has taken so far with his team to root out officers who are not fit to wear the badge. This effort is being spearheaded by a new anti-corruption and abuse command, but there is still some way to go to ensure that the force can command the trust of the people that it serves.

It is vital that the Metropolitan police and other forces double down on their efforts to root out corrupt officers. This may mean more shocking cases come to

light in the short term. It is a matter of the utmost importance that there are robust processes in place to stop the wrong people joining the police in the first place, which is why the Government have invested in improving recruitment processes and supporting vetting as part of the more than £3 billion that we have provided for the police uplift programme. I expect this work to continue at pace, and for all chief constables to prioritise delivery of the recommendations made by the police inspectorate's recent report on vetting, counter-corruption and misogyny.

It is now for the Metropolitan police to demonstrate that they have an effective plan in place to rapidly improve their vetting processes. Much of the impetus for change must come from within policing, but this Government will continue leading from the front. As I have made clear, we are bringing forward part 2 of the Angiolini inquiry to make recommendations on how forces can improve culture and tackle the root causes of police criminality and misconduct. The inquiry was established by the then Home Secretary, my right hon. Friend the Member for Witham (Priti Patel). I pay tribute to her commitment and leadership on these critical issues.

As well as ensuring that vetting processes are watertight, there must be fair and effective arrangements for dealing with those who behave or act in a wholly unacceptable way while serving. Baroness Casey recently identified concerns about the misconduct and dismissals process within the Metropolitan police: it takes too long, it does not command the confidence of police officers and it is procedurally burdened. Bureaucracy and process appear to have prevailed over ethics and common sense. That is why I have announced an internal review into police dismissals. The review's terms of reference are being published today.

This case will rightly throw a spotlight once again on women's safety. No one should suffer abuse or feel frightened or harassed, whether they are at home, out and about or online. We are taking concerted action to prevent violence against women, support victims and survivors, relentlessly pursue perpetrators and strengthen the system as a whole.

On rape specifically, we are focused on delivering improvements across the board, so that victims get the support they deserve and cases are pursued rigorously from report to court. There have been some important steps forward since the publication of the rape review in 2021. The number of referrals and charges has increased nationally, while new operating models for the investigation and prosecution of rape are being developed through Operation Soteria.

None of that can undo the suffering of Carrick's victims, but I assure the House that this Government will not shy away from challenging the police to meet the standards we all expect of them. Change must happen and, as Home Secretary, I will do everything in my power to ensure that it does. I commend this statement to the House.

Mr Speaker: I call the shadow Home Secretary.

12.42 pm

Yvette Cooper (Normanton, Pontefract and Castleford) (Lab): This is a truly shocking and appalling case, and I welcome the statement today. A serving police officer

has admitted to some of the most serious and devastating crimes. I join the Home Secretary in paying tribute to the bravery of the victims who have come forward, but we must face up to the further evidence that this case has brought up of appalling failures in the police's vetting and misconduct processes, which are still not being addressed by the Government and are not addressed in this statement. Given the scale of the problems not just in this case but in previous cases, the Home Secretary's statement is very weak and shows a serious lack of leadership on something that is so grave and that affects confidence in policing as well as serious crimes.

We have seen repeated failures by serving police officers to respond to or take seriously allegations of violence against women by a serving police officer. Allegations of domestic abuse have not been taken seriously in the vetting processes. In this case, there was a failure to suspend David Carrick when rape allegations were made in July 2021, even though the Met police knew there had been domestic abuse allegations two years previously. A misconduct process concluded that there was no case to answer, despite the repeated alarms raised. A full vetting check was not triggered, and David Carrick's permission to carry firearms was restored.

Most shocking of all is that this happened at the height of the alarm about Wayne Couzens and the deeply disturbing murder of Sarah Everard. This undermines confidence for women and for victims but also for police officers who are working so hard—especially women police officers, who may themselves have reported misogynistic abuse, and officers who are doing excellent work every day to tackle violence against women and girls and know that confidence in that work is being undermined.

We support the new Met Commissioner's determination to take action, but this is not just about the Met. Concerns about misogyny and culture have been raised in Sussex, Hampshire, Derbyshire, Gwent, Police Scotland and other forces. There has been a lack of leadership from the Government on police standards for years. After the truly appalling murder of Sarah Everard by a serving police officer, Home Office Ministers promised change. The then Home Secretary promised to set up processes that would prevent this from happening again, and that has badly failed.

There are still no legal requirements on vetting. Forces can effectively do what they want. They do not even have to check employment history and character references, and some do not. They do not even have to interview people beforehand. When the inspectorate came up with the damning conclusion that hundreds, if not thousands, of police officers who should have failed vetting are still in the job, including corrupt and predatory officers and officers who have committed offences of indecent exposure and domestic abuse, the Policing Minister refused to even make it a requirement for police forces to follow the recommendations of the inspectorate. They just shrugged and said that it was a matter for police forces to follow. There has been no response to make it compulsory to follow vetting guidance or to follow the reforms.

All we have in this statement is a continuation of the existing Angiolini review and a new review on dismissals. I welcome that new review, because there are concerns that the dismissals process has become more difficult and worse since well-intended reforms were introduced

that have not worked as intended, but it was announced in October, and it still has not started. All the Home Secretary has done is re-announce it today. The Home Secretary has dismissed as "woke" some of the things that police forces have been doing to tackle misogyny, increase diversity and improve their response to communities and to crime, even though they are about tackling some of the most serious crimes.

It is also about how seriously Ministers take tackling violence against women and girls more broadly. We know that the charge rate for rape has dropped to a shameful 1.5%—it has dropped by two thirds over the last seven years. Again, Home Office Ministers promised that tackling violence against women and girls would become part of the compulsory strategic policing requirement. It has been reported that that has not happened. Can the Home Secretary confirm that, nine months after Ministers announced it, she has not made it a strategic policing requirement to prioritise violence against women and girls?

After the murder of Sarah Everard by a serving officer, Labour called for change. After the horrific murders of Bibaa Henry and Nicole Smallman, Labour called for leadership. After the shameful case of Child Q, Labour called for reform. After the shocking Charing Cross station report, Labour demanded action. After the Stephen Port inquiry, Labour called for reform. After the cases right across the country of abuse and misogyny, Labour has demanded change. Conservative Ministers promised that action would be taken, but they have failed to do so.

Labour will change the law. Labour will overhaul the vetting, misconduct and standards system, because it is time for change. We are letting down police officers across the country who do excellent work and are being let down by these failures in the system. Most of all, women are being let down. It is too late for all the warm words in the Home Secretary's statement. What is she actually going to do to make sure that standards are raised?

Suella Braverman: It is disappointing that the shadow Home Secretary has resorted to cheap political lines; I do not think that today is a day for political attacks. There is a human tragedy at the heart of this case, and ultimately, politics should be set aside. I am willing to work with anybody—the inspectorate; the politician with overriding responsibility for the Met police, who is a Labour politician, Sadiq Khan; all the chief constables; and everybody in the Chamber—to bring about change and safety, and to improve standards in our police forces around the country.

That is why I support the Met Commissioner's statement yesterday, in which he accepted that there were failings. There is no question about that: there were failings in the system when it came to vetting and checking, and there were failures by the Met police. It is clear that culture and standards in the police need to change, which is why I will not shy away from challenging chief constables around the country on the standards that they uphold and instil in their individual forces.

Police constables and police leaders have all accepted the recommendations set out in the inspectorate's comprehensive report, which was commissioned by the Government in response to Sarah Everard's murder to look more closely at the procedures that have been put

[*Suella Braverman*]

in place and how well they have been working when it comes to vetting, checking, monitoring and disciplinary processes related to policing. That report clearly identified several concerns and failings in policing, and made recommendations, the bulk of which were aimed at police constables, the College of Policing, and the National Policing Board.

All those recommendations have been accepted and we are closely monitoring the delivery of those improvements in rigour and standards when it comes to the entry processes, vetting and checking for new recruits to policing. We have also ensured that Lady Angiolini will look more closely into the culture of policing so that we can better implement and deliver systems that will root out misogyny, predatory behaviour, sexual assault or any other offensive behaviour that might lead to criminal activity within policing.

Let me be clear, however, that I am proud of the Government's track record on supporting women and girls in the criminal justice system. We put in place the groundbreaking Operation Soteria around the country to improve practices when it comes to the police investigation of rape and serious sexual offences in the prosecution and court resolution phases. We are already seeing signs of improvement when it comes to supporting victims of those heinous crimes through our criminal justice system. We also introduced a raft of new offences, such as on upskirting, stalking, female genital mutilation and forced marriage, to better protect women and girls in society, and our landmark Domestic Abuse Act 2021, which expanded the definition and protections available to victims of domestic abuse. I am proud of the leadership and initiative that we have demonstrated when it comes to standing up for women and girls.

We will not be complacent, however, because of course we can go further and do more. I am keen to focus on the solutions and move forward, so that we do not see repeated incidents and tragedies, such as the one that we are talking about today.

Priti Patel (Witham) (Con): There is no doubt that it is a sorry, and in fact tragic, state of affairs that the House has convened to discuss this issue again today. The Home Secretary will fully recognise that reviews have been commissioned since 2021, which led to the Angiolini inquiry, and obviously this will feature in part 2. It would be welcome if the Home Secretary would explain how that will work and when it will report. Since then, we have had not only the Angiolini work, but the Louise Casey review, which was damning, and the inspectorate's report, which, I am afraid, was also damning on a raft of issues, such as security, vetting, misogyny, practices and the whole culture of policing, as mentioned by the shadow Home Secretary, the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper).

The recommendations are already there. In fact, if I may say so to the Home Secretary, previous Policing Ministers and I put forward proper recommendations for the strategic policing requirement. There are issues that could be resolved so that people could be held to account sooner rather than later through that requirement. I urge her to consider, particularly after the tragic cases that we have heard about in relation to the Carrick

incident and his victims, putting much of that on to a statutory footing. If we do not, we will be here again and again to pay tribute to victims while, frankly, parts of the law enforcement system continue to fail the British public and fail victims.

Suella Braverman: I reiterate my thanks and tribute to my right hon. Friend for her leadership when she was in this role. She led from the front in the fight to protect women and girls and to uphold their safety. Lady Elish Angiolini has confirmed that she will consider the Carrick case in her inquiry and, as I mentioned, part 2 will be brought forward. We expect it to provide an examination of the wider issues in policing, such as culture, vetting and the safety of women, which are relevant to the appalling case that we have heard about this week. I confirm that violence against women and girls will be included in the strategic policing requirement.

Mr Speaker: I call the SNP spokesperson.

Alison Thewliss (Glasgow Central) (SNP): I thank the Home Secretary for her statement and I put on record the SNP's tribute to the victims in this case for their bravery in the face of ongoing trauma.

The charges that have been brought against David Carrick are incredibly disturbing—49 charges, including 24 counts of rape against 12 women over two decades, with accounts of domestic violence and coercive control. Through that, the Met has sought to protect its own, which is also incredibly disturbing and has led the former Victims' Commissioner Dame Vera Baird to question the commitment to culture change at Scotland Yard.

It has been reported that the Met is checking back through 1,633 cases of alleged sexual offences involving 1,071 officers in the past decade. What retrospective action does the Home Secretary expect from that review? It should be a worry to all of us that those officers are still out there in their jobs, and that we may face what David Carrick reportedly told women when he flashed his warrant card: "I'm a police officer, you're safe with me"—a chilling prospect. How does she intend to ensure that the review is thoroughly carried out? What updates can the House expect?

Lady Elish Angiolini has worked with Police Scotland to improve standards on this, and work is ongoing in Scotland too. How can women and people with vulnerabilities have the confidence that, if something happens to them while they are in London, the Met will respond in a proper way that respects their dignity?

Suella Braverman: The hon. Lady asks a series of good questions. To give more detail about the Met Commissioner's commitments to strengthen the procedures, there is already a strengthening of the vetting of officers; an active review of historical cases is ongoing, where there may be a flag on the system for domestic incidents; and a data washing process is ongoing to ensure that the Met's data is being very extensively checked against rigorously managed national databases. That is all being led by a new anti-corruption and abuse command unit, which is instilling an institutionally higher standard of managing and overseeing the important issue of vetting.

Tim Loughton (East Worthing and Shoreham) (Con): Apparently Carrick was known as "Bastard Dave" by his colleagues, in the same way as Wayne Couzens was

known as “the rapist”, but alarm bells were not rung. The most worrying aspect of this is the culture of cover-up and complacency that has allowed such abuse to happen on an industrial scale by certain individuals—in this case, for 17 years.

When the new Met Commissioner appeared before the Home Affairs Committee, we were encouraged that he expressed his determination to root out that mindset and those offenders. I ask the Home Secretary to comment specifically on his queries and concerns, however, about the difficulty of sacking officers; about why professional standards are not investigating more of those cases; that it is not suitable to put officers who have been accused of serious offences on to light duties—they should be fully suspended—and that there should be a duty of care for whistleblowing. What urgent action will she now take on those issues to restore some confidence, particularly in the Met and especially among women?

Suella Braverman: My hon. Friend raises a very good point about the disciplinary process. Indeed, Sir Mark Rowley himself has spoken at length—not just at the Select Committee, but more broadly—about the challenges he has faced in trying to dismiss patently inappropriate officers. He has come up against a heavily bureaucratic process that is not working, and that is why I have today launched a review into the process of police officer dismissals. I want to ensure that we have a fair and effective system for removing those officers who are simply not fit to serve.

Mr Speaker: I call the Chair of the Home Affairs Committee.

Dame Diana Johnson (Kingston upon Hull North) (Lab): This case, which has rightly shocked the nation, is yet another appalling example of systematic failures within the police to confront male violence against women and girls, and the sexist culture that exists within the police. Again and again, the Home Affairs Committee has heard evidence of how weak or non-existent vetting and misconduct processes have allowed violent male officers to continue harassing and abusing women—not just in London, but in forces across the country.

The Metropolitan Police Commissioner has, as I understand it, made specific demands of the Home Secretary in relation to changes to the dismissal of officers, so could she just update the House as to what she is going to do about those specific requests, and why do we need a review when it is quite clear—from the recommendations of His Majesty’s inspectorate of constabulary and the reports that the Home Affairs Committee has produced—what needs to be done? We do not need another review; we just need action.

Suella Braverman: It is important that we look closely at exactly what is happening in the police misconduct process. Concerns have been raised—not only by Baroness Casey, but by Sir Mark Rowley—and what I want to do is ensure that we have a system that is fit for purpose. For example, concerns have been raised about the presence of legally qualified chairs, who are somehow applying a quasi-judicial approach to a system that should be much more akin to an internal human resources disciplinary approach. That has so far been highlighted as not being fit for purpose; not fit for achieving the goal, which we all want, of empowering chief constables to make decisions on disciplinary matters and for those to be sustained.

Jackie Doyle-Price (Thurrock) (Con): Well, here we are again—it feels like groundhog day—questioning one of the Ministers in a Government I support about the culture within the Metropolitan Police Service. What is going to change? I listened carefully to the Home Secretary as she listed the new offences that this Government are putting on the statute book for protecting women and combatting male violence against women and girls, but the real challenge is the culture towards women that exists within our police service and throughout our criminal justice system. Can I just repeat the question asked by my right hon. Friend the Member for Witham (Priti Patel): when are we really going to fully use statutory power to protect women from male violence?

Suella Braverman: My hon. Friend raises a good point about police culture, which is why we need to ensure that we have a good analysis of exactly what that means. We have some important findings from the inspectorate, and also from Baroness Casey—her findings are interim, not final—which set out serious concerns about the police culture that is leading to pockets of this unacceptable behaviour. We have already commissioned the Angiolini inquiries, and we must let those run their course, and on the basis of those robust findings we will be able to take the right action to ensure that this kind of behaviour is rooted out, that these kinds of individuals are not allowed into the police force in the first place, and that we can better protect the public and restore their confidence in policing.

Mr Speaker: I call the Mother of the House.

Ms Harriet Harman (Camberwell and Peckham) (Lab): I thank the Home Secretary for her statement. I completely agree with the very strong questioning put by the shadow Home Secretary, and I also agree with what was said by the former Home Secretary and the current Chair of the Select Committee.

I have two questions. The first is about timing. As hon. Members have said, successive Metropolitan Police Commissioners have complained that the regulations this House has put in place in statutory instruments prevent them from sacking officers who they know are unfit to be in the Metropolitan police, so that puts a responsibility on us to change those regulations. Can I suggest that the Home Secretary, in consultation with the Metropolitan police, brings forward draft regulations, and let us consult not in the overall generality of a review, but on those specific draft regulations? We will be 100% behind her when she brings to the House changed regulations, so that the Metropolitan police are able to manage the force in the way we all want to see them manage it.

The second point about Sir Mark Rowley and the response to the Carrick situation is that this is not just about change in the future, but about dealing with the individuals who are currently in senior and management positions in the Met who seemed to think it was all right for Carrick to be given extra responsibilities and to be promoted. The management suitability of those officers really ought to be examined by the Metropolitan Police Commissioner, and we need a bit of transparency about that. Will the Home Secretary urge the commissioner, whom we all support in his determination to change the culture, to publish transparently what tracking he has

[Ms Harriet Harman]

gone through of when Carrick was looked at and nothing was done, because all of those senior officers have colluded? Will she also look through all of the officers, at horizontal level, who were part of the banter and the immediate culture of this officer, and who did nothing to report him and therefore were colluding in the perpetration of these atrocious crimes?

Suella Braverman: I want to do what works, which is why I have taken very seriously what the Met commissioner has said about the process relating to police misconduct hearings and disciplinary processes. I have been clear that where there is a role for Government, we will act, but it is important that we look carefully at the issue. That is why the review I have just announced will cover issues such as the legally qualified chairs, to ensure that they are striking the right balance and making the right decisions. It is important that we ensure that the trends in the use of misconduct sanctions and the consistency of decision making in cases of sexual misconduct, other violence against women and girls and such offences are appropriate. Those are the kinds of things we need to look at very carefully.

When it comes to the Metropolitan police, as I have said, the Met commissioner has instituted a new anti-corruption and abuse command specifically to look at any other risk factors and any other issues relating to this kind of incident. An extra 100 officers were drafted in to use covert tactics to identify officers who act in a corrupt or predatory manner, including those who abuse their positions in the police. I am encouraged by those early commitments by the Met commissioner, and I think we need to get behind him so that we can radically improve the system.

James Daly (Bury North) (Con): I think Sir Mark Rowley's statement yesterday was pathetic. It was a statement of the blindingly obvious, and anybody can say sorry for what has gone on. This is an absolute scandal, and I wish to support what the Mother of the House has just said. In no comment that has been made has there been any suggestion of the accountability of anybody else in the Metropolitan police over many years for this man's conduct. His egregious behaviour was known—there were seven or eight allegations regarding his behaviour—yet nothing was done. We have had excuse after excuse after excuse. We can worry about the future, but there are people in the Metropolitan police who enabled this man to continue being a threat to women and girls, and they should be sacked.

Suella Braverman: It is important to note that David Carrick's initial vetting to join the Metropolitan police took place in 2001, prior to the introduction of national standards on vetting, and prior to the regime that has been in place since 2017, which was introduced to ensure consistency in decision making. My hon. Friend rightly expresses frustration with the situation, and I agree. It is incredibly frustrating to be here yet again after another tragedy. But I would just gently push back. I have confidence in Sir Mark Rowley. He joined the leadership of the Met recently, and he has not hesitated in accepting the enormity of the problems that the Met police currently face. He has presented a plan and is already taking tangible action to deliver on

it. He understands that there is a problem with confidence in the Met police, and challenges and problems with standards and performance. He is honest and frank about those challenges and does not shy away from fixing them.

Valerie Vaz (Walsall South) (Lab): Who will be conducting the internal review, when will it report, and will the Home Secretary ensure that previous Metropolitan Police Commissioners will also give evidence to it?

Suella Braverman: The review will be carried out in a comprehensive and extensive way to command confidence among police officers, members of the public and other stakeholders. I want it to report swiftly. I am wary of having more reviews, reports and inquiries; we need action. My impression is that there is a real problem with the process. I need to identify exactly what needs fixing and thereafter we can take swift action.

Nickie Aiken (Cities of London and Westminster) (Con): May I mirror the Home Secretary's comments and pay tribute to the victims of David Carrick, and urge other victims to come forward if they have any concerns about serving police officers, or anybody else? Does my right hon. Friend agree that it is important to support Sir Mark Rowley in his quest to get rid of the rot in the culture of the Metropolitan police? I hear that he is now investigating nearly 1,000 police officers and staff, so we must prepare ourselves for further revelations, similar to those about Carrick. Does the Home Secretary agree that it is important that the police and crime commissioner for London, and his Deputy Mayor for policing and crime, also play their part? Perhaps they have been missing in action over the past seven years.

Suella Braverman: My hon. Friend makes a good point. Ultimately, the politician responsible for the performance of the Metropolitan police is the Mayor of London, Sadiq Khan, and ultimately he should be held politically responsible for failings within the Met. Greater support, greater priority and greater focus from him would do no harm.

Dawn Butler (Brent Central) (Lab): My respect goes out to the brave women who have come forward, but women should not need to be brave. The system should protect them and believe them when they speak out. On 20 September 2021, *Byline Times* reported that more than half of Met officers found guilty of sexual misconduct kept their jobs. A report today states that some women who report sexual abuse or misconduct may then see one of those officers, because the Met cannot guarantee that they are not using their power to do that. What has been exposed in the Met is structural and institutional, and I wonder whether the Secretary of State agrees with that or even understands it. Does she agree that Sadiq Khan, the Mayor of London, was right to sack Cressida Dick? The Secretary of State's approach in the Chamber today, and the slow "kick the can down the road" or "do another review," serves only to inflict more pain on women and girls. She needs to take that on board if she is to do her job properly.

We must also review all cases that the criminal police officers have presided over. If they are bad, they are bad—they are not just bad in one case; they are bad in all cases. In Brent, after the tragic murder of Bibaa

Henry and Nicole Smallman, the police took pictures of their bodies. The pain that their mother goes through—I speak to her on a regular basis, and every time there is something like this it inflicts more triggering pain on people who have gone through it, and the police were slow to act. The Secretary of State can do something about this. The new commissioner, Mark Rowley, has said that he needs more support in being able to sack officers, not another review or report. He needs things to change. As chair of the London parliamentary Labour party, I wonder whether the Secretary of State is willing to listen to voices from the London PLP and work with us, as well as the Met Commissioner, to change the law on this issue.

Suella Braverman: There are some fair points there. What I find instructive on this issue, albeit on an interim basis, is the interim report by Baroness Casey, which looked into the Met and its standards on vetting and procedures. It made for concerning reading. She is currently carrying out an in-depth inquiry into this subject, and she found that the Met does not fully support the local professional standards units to deal effectively with misconduct. Effectively, the structure relating to individual commands is not working, and there is uncertainty about what constitutes gross misconduct and what will be done about it. There are important lessons to be learned from Baroness Casey's inquiry into the Met, so that we ensure that things such as this do not happen again.

Lee Anderson (Ashfield) (Con): David Carrick is now one of the UK's most prolific rapists, and he did that while serving as a police officer. It is utterly disgusting. Does the Home Secretary agree we should review sentencing laws? We have already done that for people who kill emergency workers, so how about reviewing the sentencing law so that if a police officer commits these horrible crimes, we increase their sentence? Does she also agree that the managers who knew about this should be sacked immediately—

Mr Deputy Speaker (Mr Nigel Evans): Order. Please remember sub judice. We should not be talking about sentencing. Home Secretary, just answer the points you can.

Suella Braverman: My hon. Friend voices the frustration and disappointment we are all feeling today at a serving police officer having been found responsible for such heinous and appalling crimes. An abuse of trust has shattered public confidence in policing, and undermined the safety of women and girls. We will not shy away from doing what is necessary to ensure that cases such as this are not repeated, and so that women and girls in particular can have confidence in policing around the country.

Several hon. Members rose—

Mr Deputy Speaker: Order. I remind Members that aspects of this issue are sub judice. Please stay well away from anything relating to things that are still before the courts.

Wendy Chamberlain (North East Fife) (LD): I too commend the bravery of the women involved in this case, but some of them would not have needed to be brave if action had been taken. As a former police

officer I am disgusted and ashamed by what I have heard. The Metropolitan Police Commissioner has said that 800 of his officers are under investigation. Has the Home Secretary requested similar figures from other police forces? What is the impact on the operational capability of police officers? Finally, as the Mother of the House rightly pointed out, police officers are not employed. They are not subject to employment law; they are appointed. Staff associations within the police service, such as the Police Federation, play a very important role in disciplinary and conduct issues. What engagement is the Home Secretary having with them?

Suella Braverman: The inspectorate reported late last year on that issue, looking at the performance of forces all over the country on vetting and the monitoring of disciplinary matters in policing. The inspectorate made 43 recommendations, largely focused on chief constables around England and Wales, the College of Policing and the National Police Chiefs Council. They have all been accepted. There are deadlines for spring this year, and later this year, and we are closely monitoring the implementation and delivery of those recommendations.

Rachel Maclean (Redditch) (Con): We hear reported on the BBC that this monster, David Carrick, perpetrated a campaign of terror against his “girlfriends”. He put drugs in the car, he restrained people with police handcuffs, and he said “Who would anyone believe? You or me? I’m an important person. I guard the Prime Minister. I am a police officer.” That highlights the lengths to which that monster would go, and the challenge for those victims to come forward. Does the Home Secretary agree that, as well as the welcome measures that she has set out, all of which I support, one positive thing we can do is bring forward the victims Bill, to strengthen the support of the criminal justice system for those women, provide better support, and beef up the role of independent sexual violence advisers? I know that is not in her Department's remit, but will she work with me and her colleague the Justice Secretary, to see whether we can get parliamentary time for that Bill as quickly as possible?

Suella Braverman: I pay tribute to my hon. Friend for the groundbreaking work she did when she was in government to support women and girls and their safety. She is absolutely right, and that is why my right hon. Friend the Lord Chancellor and Deputy Prime Minister is committed to introducing the victims Bill. I am particularly supportive of increasing the number of independent sexual violence advisers and independent domestic violence advisers as they have made a huge difference to the experience of victims going through the criminal justice system. They can make the difference between a victim withdrawing and a victim persisting and reaching a conviction. I therefore think that, yes, putting through more resources and introducing important legislation is vital.

Kerry McCarthy (Bristol East) (Lab): Yesterday, when the Education Secretary was asked on the radio if the Government could say that women could trust the police, she replied:

“It’s very important that we do trust the police.”

I think that is a no. We cannot have a situation where women who would ordinarily turn to the police to rescue them from dangerous situations—whether out

[Kerry McCarthy]

on the street, domestic violence or as the victim of abuse—feel that they cannot trust the person from whom they might seek help and that they might be violated by them. I endorse what everyone has said about needing to address the culture in the police force, but will the Home Secretary set out a timetable and tell us what immediate action she will take to address that, so that women who are in danger feel that they can look to the police for support?

Suella Braverman: I am the first person to say that this is obviously a disappointing, frustrating, sobering and chilling day for policing. It is regrettable and shameful that this has happened. I would also say that poorly behaved and criminal police officers are a minority and that we have tens of thousands of very brave, dedicated men and women all over the country who will be feeling the equivalent level of shame and disgust that we are expressing. This is not in their name. This is about changing the system to root out poor behaviour and so that everybody can be proud to be serving in our police force.

Mary Robinson (Cheadle) (Con): This case has once again highlighted the terrible internal processes in our police forces and the inability of people to speak up in a culture that actively works against their doing so. So many police officers will not raise issues with fellow officers because they fear for their jobs and their employment. Will my right hon. and learned Friend take the opportunity to do a root and branch investigation into the culture in the police forces, particularly with regard to the ability to speak up and for whistleblowers to have their voices heard?

Suella Braverman: My hon. Friend raises an important point. Police culture and whether there is a culture of fear, with people scared to speak up and call out unacceptable behaviour, is exactly what part 2 of the Lady Angiolini inquiry will cover. We need to pinpoint that precisely so that we can take action to ensure that there is an open, welcoming and professional environment in which everybody can thrive.

Carol Monaghan (Glasgow North West) (SNP): There are many similarities between the experience of women in the Met police and women in the armed forces. Both are organisations in which we should have complete faith, but both organisations have failed to act on many occasions where there have been situations of misogyny.

There are two big issues: the crimes of the perpetrator himself and the failure of senior officers to act and take action when concerns were raised. The Home Secretary has talked about how action will be taken on offenders, but she has said much less about what will happen with senior officers who were aware of such behaviour and covered it up. Will she say some more about that?

Suella Braverman: That goes to the point about the structures in place to monitor new recruits closely and ensure that those who are newer to policing get the right training and support from their senior leaders. That is why, in our historic police uplift programme, which will result in record numbers of police officers when complete in a few months' time, a large part of that resource has

gone to increasing vetting capacity and recruitment, so that proper standards and quality assurance are injected and really part of the process of recruiting new police officers.

Simon Fell (Barrow and Furness) (Con): We operate on a model of policing by consent, and I am afraid that too many people—especially women and girls—will be saying, “I don’t consent. I don’t agree to this model of policing in the country any more.” This is just the latest example of what we have seen in the Met. Such cases set back trust in the police and make it more difficult for decent, law-abiding officers to do their jobs. It is shameful that Carrick’s case has been allowed to carry on for so long, with information apparently known to the force and other forces without being shared and without action being taken.

There are clear lessons that we can learn about data sharing, improving whistleblowing, suspending officers without allowing them to operate on light duties and removing officers whom we are deeply concerned about. It is great that we are having these reviews and that we are trying to learn lessons from them, but I think what people want is concrete action and quickly. Will the Home Secretary please advise when we will see that?

Suella Braverman: My hon. Friend raises the right point about action. That is why a review of vetting capacity was carried out by the uplift programme as recently as October last year, to which 36 forces responded. It showed that 25 had increased their capacity and vetting units between February and October last year. I see that as action. I see that as police forces responding to the call to improve their services and resources and ensure that there are better processes and better systems in place to vet properly and monitor rigorously the behaviour of their professionals.

Allan Dorans (Ayr, Carrick and Cumnock) (SNP): As a former detective inspector in the Metropolitan police, I, like everyone, am shocked, revulsed and horrified to hear of the abhorrent crimes of PC Carrick and the failure of the Metropolitan police and other police services, which allowed those crimes to go undetected and unprosecuted for almost 20 years. On behalf of the hundreds of thousands of honest, hard-working and brave serving and retired police officers everywhere, I offer my sincere apologies to the victims of these cases, whose needs must be prioritised and given our complete and unquestioning support.

Will the Home Secretary confirm to the House that an investigation will be launched immediately, as identified in her review announced today, to identify and prosecute to the full extent of the law or see the most severe disciplinary action taken against any police officer or member of the police staff, past or present, who failed in their duty to protect the public in public office by not reporting or investigating complaints against PC Carrick or by preventing him from being arrested, prosecuted and brought to justice before now?

Suella Braverman: I cannot comment on the individual case, but late last year Baroness Casey’s review concluded on an interim basis that it is taking too long to resolve misconduct conduct cases within policing. Officers and staff do not believe that action will be taken when concerns around conduct are raised. Those are just a sample of some of the serious concerns that she identified

when it comes to the process in place for monitoring and disciplining police officers for unacceptable behaviour. I pay tribute to the hon. Gentleman for his service in the police force. Whatever needs to be changed, we will do it.

Siobhan Baillie (Stroud) (Con): Women in Stroud and around the country have woken up with their trust and belief in our police service badly shaken yet again. From speaking to local women, I know that issues in the Met undermine their confidence in Stroud police. They can see that Gloucestershire constabulary is working hard to protect them and that it is open to change. However, when we know that women are routinely not reporting violence, abuse and harassment in part because of a lack of faith in the police, and with each force doing something completely different, what is my right hon. and learned Friend doing to ensure that all forces get their act together and show the country that they are speaking to each other and that national change will be made on this issue?

Suella Braverman: My hon. Friend is absolutely right to raise the issue of women's confidence in policing. Tangible steps and measures have already been taken, after legislating in the Police, Crime, Sentencing and Courts Act 2022, to address concerns surrounding data extraction from victims' devices during investigations. We are well on the way to ensuring that victims are not without a phone for more than 24 hours. That has been a real deterrent to women coming forward with complaints about rape and other serious sexual offences. We have led with the groundbreaking Operation Soteria programme, a radical transformation in the way the police investigate rape and serious sexual offences. We are also protecting the wellbeing of victims during trials by offering pre-recorded evidence for rape victims. Those are just a few of the measures we are taking to send the message to women and girls, "Come forward if you are a victim. If you do, the police will be there to support you."

Florence Eshalomi (Vauxhall) (Lab/Co-op): The Home Secretary just mentioned that she wants women and girls to come forward with allegations of rape. The charge rate for rape is 1.5%. That means the vast majority of cases never go to court, let alone secure a conviction. This is not working for women and girls. They have courage in coming forward, but to know that they will never secure a conviction is a slap in the face yet again. What real action is the Home Secretary going to take to change and reverse that?

Suella Braverman: I have worked with cross-Government colleagues for several years in my former capacity as Attorney General on matters such as Operation Soteria. Operation Soteria is groundbreaking. It is producing real change in the way that victims of rape and serious sexual offences experience the criminal justice system. We are seeing an increase in referrals by the police to the Crown Prosecution Service. That is a sign of progress. We are seeing an increase in the rate of charge by the CPS passing the case on to His Majesty's Courts Service. We will see an improvement in the number of convictions we secure. I agree that there is a lot to do, but progress has been made.

Laura Farris (Newbury) (Con): The first allegation of serious sexual assault was made against David Carrick in 2003. Over the course of the next 18 years, there were

eight or nine allegations of rape. Through all that, he was not suspended from work. In fact, during that period he was actually promoted within the force. What is common to all these cases is that there appears to be some kind of omerta or closing of ranks between senior personnel when a criminal allegation is made against one of their brethren. Does my right hon. and learned Friend agree that the time has come to outsource disciplinary decision making to another force or, at the very least, an officer who does not know the policeman who is the subject of this kind of allegation?

Suella Braverman: My hon. Friend is right to point to the failings. In sum, the Metropolitan police should have carried out a re-vet of David Carrick in 2011. That was not done until 2017. The Metropolitan police acknowledges that this would not have necessarily changed the vetting outcome. Systemic problems are prevalent and that is why we need to take action to fix them.

Cat Smith (Lancaster and Fleetwood) (Lab): We are back again, Home Secretary. I am just exhausted by the number of times in this House we have to talk about this issue. Women in Lancashire have seen what has happened. They have seen what has been in the newspapers about David Carrick. They saw what happened with Wayne Couzens and so many other cases. They want to know why there is no legal requirement for vetting when officers move between forces. Yes, we are talking about the Met today, but we could equally be talking about the Lancashire constabulary. I would like to know what plans are in place to legally require vetting when officers move between forces, to stop perpetrators moving around the country to avoid justice.

Suella Braverman: We need to ensure the right system is in place to properly identify inappropriate candidates. What we have seen thus far is that there are inappropriate processes and people who are not right for policing are falling through the gaps and falling through the net. That needs to change. That is why I am glad that the Metropolitan Police Commissioner has already committed to instilling an anti-corruption and abuse command unit to look properly at how inappropriate people are getting into the police force. We will take further action to look at the disciplinary process. The reports that are currently running their course need to conclude so we have an evidence base to take the appropriate action, in legislation if necessary.

Theresa Villiers (Chipping Barnet) (Con): This is an utterly shameful and appalling case. I have seldom seen such a palpable sense of shock in this Chamber as we have witnessed today. In responding to these terrible crimes, I hope the Home Secretary will also look at the Benjamin Hannam case from a few years back. It is deeply worrying that someone who had been a member of a banned extremist group, National Action, managed to be recruited as a probationary police officer.

Suella Braverman: All cases are abhorrent where confidence in policing is shattered and the reputation of the force is undermined. That is why we want to ensure that chief constables take the recommended action, which has been set out comprehensively: increasing minimum standards for pre-employment checks; establishing better processes for managing risks relating to vetting decisions; and ensuring that the quality and consistency of their vetting decision making is improved.

Karin Smyth (Bristol South) (Lab): I undertook the police service parliamentary scheme with both the Metropolitan police and the Avon and Somerset police, going into the homes and situations of the country's most vulnerable people, overwhelmingly women. That those women cannot be confident about police officers is abhorrent. We have heard nothing from the Home Secretary on what she will do to finally introduce mandatory national views on vetting. People in Bristol, particularly women, want to know that all police officers are being vetted appropriately, and that that applies across the country. Will she now commit to that being operationalised?

Suella Braverman: The Government legislated in February 2020 to strengthen police complaints and disciplinary systems to make them more transparent, more proportionate and more accountable. New powers for the Independent Office for Police Conduct include the power of initiative to ensure that it can commence investigations without the requirement of a referral from the police, as well as measures to streamline and speed up decision making. They build on previous reforms and, as I announced today, we will carry out a more in-depth review into the disciplinary process. If legislation is needed to change, we will do that.

Mr Philip Hollobone (Kettering) (Con): This is an utterly shameful and shocking case. The vast majority of police officers in the Met and across the country believe in and perform to the highest professional standards. They see fellow officers who do not have appropriate action taken against them and the problem is that they just do not believe that appropriate action will be taken. Chief constables are tearing their hair out because they know they have some officers who are not fit to be in the police service, but they cannot dismiss them easily. May I join the calls from the right hon. and learned Member for Camberwell and Peckham (Ms Harman) for the Government to bring forward legislation to revise the dismissal procedures for police officers? The sooner we get rid of police officers who are not fit to serve, the better it will be for all concerned.

Suella Braverman: I agree wholeheartedly with my hon. Friend. As Baroness Casey identified in her interim review at the end of last year, the misconduct process takes too long. Officers and staff do not have confidence in the process. Allegations relating to sexual misconduct and other discriminatory behaviour are less likely than other misconduct allegations to result in a case-to-answer decision. There is a real need for action to take place. That is why we will come up with proposals on the back of the review I have announced today.

Helen Hayes (Dulwich and West Norwood) (Lab): When Sarah Everard was abducted from a street in London not far from my constituency and brutally murdered by a serving police officer with a history of predatory behaviour, the then deputy commissioner of the Metropolitan police said there was zero tolerance of misogyny in the Met. The appalling crimes of David Carrick show that that was clearly not the case. The current commissioner says that there are between 800 and 1,000 officers currently under investigation for abuse. Can I ask the Home Secretary, because she has not answered this question so far today, what she is doing to ensure that there are actually consequences and

accountability for the enablers in police forces up and down the country who protect abusers and allow them to continue their activities under the cover of their warrant card? Dealing with that issue is an essential prerequisite for zero tolerance to mean anything at all.

Suella Braverman: The action that needs to be taken has been set out incredibly widely and comprehensively in several reports. That action includes increasing the minimum standards for pre-employment checks; establishing better processes for assessing, analysing and managing the risks relating to vetting decisions, corruption investigations and information security; improving the quality and consistency of decision making when it comes to vetting; and extending the scope of the law relating to the police complaint and misconduct procedures. There is a very clear plan of action that is necessary among chief constables, the College of Policing and the NPCC, and the Home Office is monitoring and taking action where necessary.

Richard Graham (Gloucester) (Con): Today's exchanges show the depth of violence against women and girls, even by some of those in whom the public should have the greatest trust, and public confidence in policing will therefore be rattled. The Home Secretary said that David Carrick had been recruited before tightened vetting rules were introduced. Will my right hon. and learned Friend work with local police chiefs to find out how many people in their forces they view as potentially dangerous to the wider public, so that they and we can reassure our constituents as soon as possible that there are no David Carricks lurking in Gloucestershire or elsewhere?

Suella Braverman: That is exactly why, for the Met, the Met Commissioner has instituted a review of historic cases in respect of which there may be a flag for a domestic incident, and the Met is rigorously checking its data against national databases. I encourage all chief constables to take similar action to ensure that similar cases can be rooted out and action taken.

Clive Efford (Eltham) (Lab): The problems that Mark Rowley faces in the Metropolitan police run very deep indeed. I have been supporting a constituent of mine with her allegations of threatening and controlling behaviour against a senior police officer. In the two years that I have been supporting her, the police have completely failed to investigate the case properly. They have failed to consider the impact on children, failed to interview witnesses and failed to get essential medical records. It is senior officers who are standing in the way of this investigation, as was the case with Wayne Couzens and with David Carrick. Mark Rowley is making specific requests for him to be assisted in making the changes he needs to make in the Metropolitan police. We cannot wait for another review, so will the Home Secretary commit to sitting down with Mark Rowley and give him the resources and support that he needs now?

Suella Braverman: May I clarify one point that I referred to earlier about some of the findings of Baroness Casey? I want to be clear that she found that allegations relating to sexual misconduct and other discriminatory behaviours are less likely than other misconduct allegations to result in a case-to-answer decision. I think I might have said the opposite earlier.

I agree with the hon. Gentleman, which is why I have built a strong relationship with Sir Mark Rowley. I spoke to him yesterday and have been speaking to him regularly about exactly what action we are taking, not only from a parliamentary and legislative point of view but from an operational perspective on the ground.

Aaron Bell (Newcastle-under-Lyme) (Con): This is an appalling case and another very dark day for the Metropolitan police, for our trust in them and, in particular, for women's trust in them. It is not the first and I fear it will not be the last. Although I applaud what the Government are doing in terms of the better prosecution of rape cases and support for victims, those things are after the fact; we need to work on prevention, which comes through culture, as many others have said. Does my right hon. and learned Friend agree that there are two aspects of that culture? There is the casual day-to-day misogyny that we see in the nicknames used by some—not all—for their fellow officers; there is also the institutional misogyny and denial that we see in the multiple reports that were made to the Metropolitan police and the opportunities for vetting that were all missed and resulted in many, many more rapes. Will my right hon. and learned Friend work with the Metropolitan Police Commissioner to address both of those aspects of the culture?

Suella Braverman: My hon. Friend is absolutely right. I must say that the vast majority of police officers uphold the highest standards of behaviour and professionalism, but there are pockets of culture where standards fall short. We need to root that out, and the first thing to do is to identify exactly what form it takes and the extent to which it is prevalent. We will then know the steps that we can legitimately take to stop it happening again.

Daisy Cooper (St Albans) (LD): David Carrick was a Metropolitan police officer, but many of his crimes were perpetrated in Hertfordshire, where many of them would have been reported. As a Hertfordshire MP, I pay tribute to the bravery and perseverance of the rape survivors. Will the Home Secretary say whether the actions or inaction of Hertfordshire police will be looked at as part of any review? May I press her, as many colleagues have done, to confirm that she will introduce the vetting of officers when they transfer between forces? Will she also look into outsourcing disciplinary actions?

Suella Braverman: The Carrick case will be looked at by Lady Angiolini, and hopefully the issues to which the hon. Lady referred will be fleshed out. I am interested in her point about the transfer of police officers. It has been identified that insufficient vetting is taking place when police officers move between forces; we need to take action to improve that.

Lloyd Russell-Moyle (Brighton, Kemptown) (Lab/Co-op): This is another case in a long list of cases, and it is about not just misogyny but race and homophobia. When Sadiq Khan called in the then commissioner and asked her to produce a report about what she was going to do, rather than doing her work she walked out the door, and she had the backing of this Government, rather than their backing Sadiq Khan. Now that we

know this is a systemic problem in the Metropolitan police and probably among police around the country, is it time that we moved disciplinary matters away from the police force concerned and allowed women and other victims to be able to report to an independent service when it is regarding a police officer, without fear or favour and without fear that it will be covered up?

Suella Braverman: It is important that we ensure that whatever disciplinary process is in place actually works. It is clear that there are serious questions about the efficacy of the process, the time it takes and the process-heavy experience, and that ultimately bureaucracy and procedure are prevailing over ethics and common sense. We need to ensure that the system is fit for purpose and that police officers who fall short in their behaviour are dismissed.

Neale Hanvey (Kirkcaldy and Cowdenbeath) (Alba): This is a policing issue, but it is not just a matter for policing: it is also a societal issue and about how we deal with predators who are determined and devious. The issue is fundamentally about safeguarding and the professional misjudgments that are made that allow this behaviour to go unreported. Will the Home Secretary raise with her Cabinet colleagues the issue of safeguarding and the need for it to cut across all policy areas to ensure that vulnerable people are protected?

Suella Braverman: We have a designated Minister for Safeguarding, my hon. Friend the Member for Derbyshire Dales (Miss Dines), who is sitting alongside me. In the Home Office we definitely prioritise the welfare of women and girls and victims of crime more generally. A huge project of work is ongoing and there are important relationships with stakeholders. It is important that there is confidence among victims and that those who are directly affected by these heinous crimes are supported by the criminal justice system in the maximum possible way.

Jim Shannon (Strangford) (DUP): I thank very much the Home Secretary for outlining her plan of action to respond in a positive and strong way. Trust in the police is an essential component of the justice system. Although it is clear that trust has broken down, we cannot forget that there is an overwhelming number of decent and solid policemen and policewomen in our forces throughout the United Kingdom. It may take some work to rebuild trust in the screening process, so how does the Home Secretary intend to ensure that all local forces implement the lessons learned in the Met to restore confidence? Confidence restored is what we need.

Suella Braverman: The hon. Gentleman is absolutely right. There is now a large amount of work for not only the Met but the wider policing family to do to restore and rebuild trust and confidence among the general public and women and girls. I visited some local forces, including Kent police before Christmas. Kent is a very good example: the force is really leading from the front, instituting a whole raft of operational measures to support victims of serious sexual offences and rape, and rebuilding trust with local communities. So it is possible and I am heartened by the progress I see around the country.

Scotland Act 1998: Section 35 Power

1.49 pm

The Secretary of State for Scotland (Mr Alister Jack):

Today I will make an order under section 35 of the Scotland Act 1998 preventing the Gender Recognition Reform (Scotland) Bill from proceeding to Royal Assent. This order will mean that the Presiding Officer of the Scottish Parliament will not submit the Bill for Royal Assent. This Government believe, however, that transgender people deserve our respect, our support and our understanding.

My decision is centred on the consequences of the legislation for the operation of reserved matters, including equality legislation across Scotland, England and Wales. The Scottish Government's Bill would introduce a new process of applying for legal gender recognition in Scotland. The changes include reducing the minimum age at which a person can apply for a gender recognition certificate from 18 to 16, and removing the need for a medical diagnosis and evidence of having lived for two years in their acquired gender. The Bill would amend the Gender Recognition Act 2004, which legislated for a single gender recognition system across the United Kingdom, and which received a legislative consent motion from the Scottish Parliament.

The approach taken in the Scottish Government's Bill was the subject of intense debate in the Scottish Parliament. A number of significant amendments were tabled right up until the end of the Bill's passage, and the Minister for Women and Equalities, my right hon. Friend the Member for Saffron Walden (Kemi Badenoch), corresponded with and met the Cabinet Secretary, Shona Robison, to discuss the UK Government's concerns before the Bill had reached its final stage.

I have not taken this decision lightly. The Government have looked closely at the potential impact of the Bill, and I have considered all relevant policy and operational implications, together with the Minister for Women and Equalities. It is our assessment that the Bill would have a serious adverse impact on, among other things, the operation of the Equality Act 2010. Those adverse effects include impacts on the operation of single-sex clubs, associations and schools, and on protections such as equal pay. The Government share the concerns of many members of the public and civic society groups about the potential impact of the Bill on women and girls.

The Bill also risks creating significant complications through the existence of two different gender recognition regimes in the UK, and allowing more fraudulent or bad-faith applications. The Government are today publishing a full statement of reasons alongside the order, which will set out in full the adverse effects that they are concerned about.

Let me now address the claims put forward by those who would seek to politicise this decision and claim that it is some kind of constitutional outrage—*[Interruption.]* And you can hear them, Mr Speaker; you can hear them. The section 35 power was included in the Scotland Act, which established the Scottish Parliament. This is the first time the power has been exercised, and I acknowledge that it is a significant decision, but the powers in section 35 are not new, and the Government have not created them; they have existed for as long as devolution itself.

We should be clear about the fact that the section 35 power was included in the Act by the architect of that devolution for a reason. Donald Dewar himself noted that the power struck an important balance. It provides a sensible measure to ensure that devolved legislation does not have adverse impacts on reserved matters, including equalities legislation such as the Equality Act 2010. This is not about preventing the Scottish Parliament from legislating in devolved matters, but about ensuring that we do not have legal frameworks in one part of the United Kingdom which have adverse effects on reserved matters.

We should also be clear about the fact that this is absolutely not about the United Kingdom Government's being able to veto Scottish Parliament legislation whenever they choose, as some have implied. The power can be exercised only on specific grounds, and the fact that this is the first time it has been necessary to exercise it in almost 25 years of devolution emphasises that it is not a power to be used lightly.

I have concluded that the Gender Recognition Reform (Scotland) Bill would have serious effects on the operation of the Equality Act, and, as I set out in my correspondence with the First Minister yesterday, I would prefer not to be in this situation. We in the United Kingdom Government do all that we can to respect the devolution settlement and to resolve disputes. It is open to the Scottish Government to bring back an amended Bill for reconsideration in the Scottish Parliament. I have made clear to the Scottish Government my hope that—should they choose to do so—we can work together to find a constructive way forward that respects both devolution and the operation of the United Kingdom Parliament's legislation. I commend this statement to the House.

Mr Speaker: I call the Shadow Secretary of State.

1.54 pm

Ian Murray (Edinburgh South) (Lab): I thank the Secretary of State for advance sight of his statement.

This is an incredibly serious moment: it is the first time section 35 has been invoked. Donald Dewar, the father of devolution—who has already been mentioned—designed this section to protect devolution. It was passed by all parties in the House and has not been objected to since then. It was intended to be not a blocking but an enabling mechanism, allowing the Scottish Parliament to pass legislation in devolved competences without changing reserved functions. At the time, colleagues of the then Secretary of State expressed concern that it could be used as a "veto", so a memorandum of understanding was agreed. It stated:

"Although the UK Government is prepared to use these powers if necessary, it sees them very much as a matter of last resort. The UK Government and the administration concerned will therefore aim to resolve any difficulties through discussion so as to avoid any action or omission by the devolved administration having an adverse impact on non-devolved matters."

May I ask the Secretary of State whether this is a last resort? Did he have extensive discussions with the Scottish Government before taking this action? How many times has he met the Scottish Government before the Bill was passed, during its debate in Holyrood, and since its passage? It appears to me that this has become a last resort only in terms of the legal timing because both Governments cannot and will not work with each other.

The Secretary of State says that section 35 is being used—among other reasons—in relation to the Equality Act. Both the Scotland Act and the Equality Act are landmark pieces of Labour legislation, establishing devolution and enshrining rights to be free of discrimination in law. No one needs to question this party's commitment to equality: we passed the initial Gender Recognition Act 2004, we brought in the Disability Discrimination Act 1995, and we brought the world-leading Equality Act into law. Clearly, however, there is a need for laws passed by Holyrood and those passed by Westminster to interact, and in this case the trans community need that cross-border interaction to work.

The fact that, after 25 years of devolution, section 35 has never been exercised is largely due to the way in which devolution was set up and intended to operate, with Governments having their own agendas but also a common purpose in working together to serve the Scottish people. Now Scotland is saddled with an Administration in Edinburgh who are hellbent on breaking devolution, and a Conservative Administration here in London who are intent on ignoring it. Indeed, the Secretary of State seems to spend more time with Government lawyers trying to stop things happening than making them work, while the Scottish Government spend hundreds of thousands of pounds on lawyers challenging laws that they know are unchallengeable in order to manufacture political grievance.

In this case, it is the public who are let down. Trans people, who suffer intense discrimination, will now not see this legislation take effect any time soon—if at all—and women's rights groups are likely not to see their concerns addressed or their fears alleviated, because the simple truth is that this has turned into a constitutional bunfight.

I also suggest that the SNP would be rightly screaming, as they are doing today and have done in the past, if a piece of legislation passed in this place had implications for devolved competences. They would challenge that, as is their right. If we are to accept the argument from the Scottish Government that there is no effect on the Equality Act, the courts will surely strike out this section 35 action, as we believe that the Scottish Government will take it to court.

Scottish Labour put the primacy of the Equality Act on the face of the Bill. May I ask the Secretary of State whether the statutory instrument that he mentioned in his statement will give the details of where he thinks it is incompatible? He said last night that there was a version of the Bill that the UK Government could support; what does that look like? However, he also said in his statement that there were complications with two different gender recognition regimes. Is he saying that the Scottish Parliament should not have the competence? As the Bill was being debated in Holyrood, was it not obvious to him and his colleagues that it could contravene reserved law? What did he do about it then?

During the Bill's passage, Scottish Labour made clear that if it was to work, clear guidance was required. The SNP Scottish Government said that it was for the Equality and Human Rights Commission, not them as the Government, to provide such guidance. Why does the Secretary of State not instruct the EHRC to provide that guidance, look at the cross-border issues that he has mentioned, and provide recommendations in respect of the interaction with the Equality Act? Both Governments

should commit themselves to accepting those conclusions—or is the Secretary of State saying that the ball is in the Scottish Government's court to bring back amended legislation, and that he is now backing out of the process?

We support the principle of updating the Gender Recognition Act, which was world-leading when the Labour Government introduced it in 2004 but now, two decades on, requires modernisation to humanise it and remove the indignities involved in this dreadful process. We have ended up in a legal and constitutional impasse. My final question to the Secretary of State is this: what is he going to do to resolve it?

Mr Jack: I shall answer the hon. Gentleman's questions, hopefully in the right order. This is not a last resort. To understand the Scotland Act, section 33 relates to where UK legislation is directly changed, and section 35 to where it is adversely affected. We have 28 days to make a decision in either case before the legislation goes for Royal Assent. In this case, the legal test that has been given to us and approved by our officials is under section 35, which relates to an adverse effect on two parts of UK/GB legislation. That is where we are at. We have 28 days to make that decision and we have to make a decision in that timeframe. In this case, very senior legal opinion advises us that section 35 is appropriate. This will be seen in my statement of reasons, which we have laid with the order.

On the hon. Gentleman's second point, officials have been meeting officials in the Scottish Government since the Bill was introduced. After the second stage, the Minister for Gender and Equalities wrote to the Bill Minister expressing her concerns and asking for a meeting. That meeting took place, and her concerns were again expressed at that meeting. Regarding the EHRC, it has said that it is willing to work with and support the Scottish Government if it can. However, it has made it clear that its ongoing concerns are still on record. That is where that rests. I think that addresses all the points that the hon. Gentleman raised.

Ian Murray: It doesn't address any of them.

Mr Jack: Well, if any are not addressed, I am sure that others in the Chamber will ask those questions.

Douglas Ross (Moray) (Con): The Secretary of State outlined in his statement how the UK Government had sought to engage constructively with the Scottish Government during the passage of the Bill prior to its being voted on in the Scottish Parliament, yet Nicola Sturgeon has tried to turn this into a political battle between the Scottish and UK Governments when, as I understand it, all that the Scottish Secretary and this Government are trying to do is protect women's rights. *[Interruption.]* Despite the howls from the SNP, will the Scottish Secretary confirm that all the SNP has to do is bring forward a Bill in the Scottish Parliament that protects the rights of women and girls across the United Kingdom?

Mr Jack: Yes, and fortunately that addresses one of the points that the shadow Secretary of State for Scotland raised. I can address it here. I have written to the First Minister and suggested that we meet to resolve these issues. It is the case that the Scottish Government's Bill has adverse effects on those two pieces of legislation.

[Mr Jack]

We can see that in the statement of reasons that has been produced by our legal advisers. What is missing are sufficient protections and safeguards for women and children that are reflected in existing Westminster legislation, and that is why I have had to lay this order.

Mr Speaker: We now come to the SNP spokesperson.

Dr Philippa Whitford (Central Ayrshire) (SNP): The vetoing of this legislation is an unprecedented attack on the Scottish Parliament, which passed the Gender Recognition Reform (Scotland) Bill by 86 votes to 39, including MSPs from every party. Gender recognition is a devolved policy area and this does not change the Equality Act 2010 or give any additional rights to those with a certificate. It shortens and simplifies the process and, particularly, ends the requirement for a psychological diagnosis of gender dysphoria. This is in keeping with the guidance from the World Health Organisation and from the United Nations, which recommends change to a legal statutory process based on self-identification. This change has already been made by many countries over the last decade, including neighbours such as Ireland, Belgium and Denmark. This Government are threatening to end UK acceptance of international certificates. I find this bizarre, considering that the former Prime Minister, the right hon. Member for Maidenhead (Mrs May), suggested a similar proposal in 2017.

Will the Secretary of State explain exactly which parts of the Equality Act are changed by the Bill? Why did he not raise specific concerns during the two consultations carried out by the Scottish Parliament or in response to the Cabinet Secretary's letter in October, rather than in a response that came three days before the final debate on the Bill? What modifications to the Bill is he suggesting that would not include a return to the outmoded medicalised process? Why is he using one of the most marginalised groups in society to pick a fight with the Scottish Parliament? Is he seriously, after 300 years of different marriage ages and voting ages, suggesting that there can no longer be legal or age differences north and south of the border? And does he recognise that vetoing the Bill simply highlights the hollow reality of devolution?

Mr Jack: The hon. Lady will not be surprised to hear that I do not recognise much of what she says as being correct. I would point her to the statement of reasons, which will be laid alongside this order today. Our legal advice is clear: the Equality Act 2010 is reserved and there are adverse effects, some of which I listed in my statement only moments ago, including on associations, women's safe spaces and single-sex schools. It was very clear what I said, and the hon. Lady will see what legal counsel have determined when she sees the statement of reasons.

Laura Farris (Newbury) (Con): A Conservative Government are standing up for women's sex-based rights in Scotland. I congratulate the Government on this decision, which we know will protect women's sex-based specialist services in areas such as rape crisis. Does the Secretary of State agree, given the verdict of the UN special rapporteur and the verdict of Dr Hilary Cass, which is not yet complete, that it is

essential for every corner of the United Kingdom to reach an agreed position on the age limit for a gender recognition certificate?

Mr Jack: Absolutely.

Mr Speaker: I call the Chair of the Scottish Affairs Committee.

Pete Wishart (Perth and North Perthshire) (SNP): This is the single biggest attack on Scottish devolution and Scottish democracy since the establishment of the Scottish Parliament in 1999. A move to strike down a piece of legislation that is supported by every single party in the Parliament is as provocative as it is anti-democratic. When the Scotland Act went through Parliament back in 1997 and '98, the Conservatives called section 35 the "colonial general rule". Is the Secretary of State now the real-life colonial general imposing his view on a reluctant Scottish Parliament in the name of his and his party's culture wars?

Mr Jack: I come back to my original point. This is a decision that I did not take lightly. It was taken after much consideration of the legal advice that we received and it is based on a section 35 order, which is in the 1998 Scotland Act—an Act brought forward by the Labour party, led through Parliament by Donald Dewar and voted for by the Scottish National party.

Sir Jeremy Wright (Kenilworth and Southam) (Con): Is not the central point here that devolution is not the same as independence? [*Interruption.*] To the disappointment of some, I accept, but in every devolution settlement, including ours, every devolved legislature has to legislate with consideration for the other parts of the United Kingdom. If that does not happen, section 35 is the appropriate instrument for the UK Government to consider the use of. Is not the visceral reaction to the Government's temerity in even considering the use of section 35, when there are clear conflicts between the devolved approach and the UK approach, a demonstration that there is no acceptance of the devolution settlement on the part of the SNP at all?

Mr Jack: My right hon. and learned Friend is absolutely right. Devolution is about granting powers, not giving away or ceding them. That is what the devolution Act does. Through that Act, Westminster gave powers to the Scottish Parliament but the Act was very clear, and it kept section 33 and section 35 for when there were conflicts. A conflict has arisen here in terms of adverse effects on UK-wide legislation in the two Acts that will be referred to in the statement of reasons.

Charlotte Nichols (Warrington North) (Lab): The Secretary of State claims there is a version of the Bill that the UK Government will accept. Indeed, it has been noted by the Chair of the Women and Equalities Committee that the Bill is broadly in line with the recommendations made by the Committee following its inquiry into the Gender Recognition Act. Will the Secretary of State explain why he did not work with counterparts in Holyrood to avoid this unnecessary and unprecedented constitutional collision? Will he make a statement in this House on how the Government will reform the GRA across the UK if they are seeking to block progressive reform in Scotland?

Mr Jack: I am carrying out my constitutional role as Secretary of State for Scotland, and this section 35 order is where the legal advice has taken me. The Minister for Women and Equalities, my right hon. Friend the Member for Saffron Walden (Kemi Badenoch), who is sitting next to me on the Front Bench, is dealing with the policy, and the hon. Lady should raise the point with her.

Dr Liam Fox (North Somerset) (Con): There are many in this House who agree with the content of the Scottish Government's Bill, and there are many in this House, including me, who object to its content, but that is not the point at issue. We live in a unitary state, so having different gender recognition certification processes in different parts of the United Kingdom is likely to produce conflict and confusion. Does my right hon. Friend agree that it was never part of the devolution settlement that any one part of devolved government in the United Kingdom could effectively make a change, or require a change, for citizens across the whole of our unitary nation?

Mr Jack: I absolutely agree.

Rosie Duffield (Canterbury) (Lab): I welcome the Government's invoking of section 35, as the Bill clearly conflicts with the Equality Act and would have repercussions for women across the UK. Does the Secretary of State recognise the strength of feeling among women, women's rights groups and activists in Scotland that this Bill seeks to allow anyone at all to legally self-identify as either sex and, therefore, enter all spaces, including those necessarily segregated by sex, such as domestic violence settings, changing rooms and prisons? Given the previous urgent statement, does he not understand how vital this is at the moment?

Mr Jack: The hon. Lady deserves a lot of respect for her courage in standing up on this issue. When she reads the statement of reasons later today, she will be proved right in what she says.

Iain Stewart (Milton Keynes South) (Con): Having served as a Minister in the Scotland Office alongside my right hon. Friend for a couple of years, I know how compassionately and diligently he has looked into these matters. This is a complex issue with lots of consequences, but do we not owe it to everyone to look at these matters dispassionately, to work through the points of conflict and to turn down the dial on some of the heat that has been generated?

Mr Jack: My hon. Friend is absolutely right that tone is important in these matters, and I have not taken this decision lightly. I took it after due consideration of the legal advice. Yes, let us take the heat out of these matters by dealing with the legal issues, and then let us see if we can find a resolution.

Ms Anum Qaisar (Airdrie and Shotts) (SNP): We have had six years of wide consultation, and two thirds of MSPs supported the legislation. That includes MSPs from every single political party in the Scottish Parliament—the SNP, the Conservatives, Labour and the Liberal Democrats—so the Tory Government's actions are shameful and, actually, quite scary. Does the Secretary

of State share my concern that this decision sets a dangerous precedent whereby Westminster dictates and Holyrood must simply shut up and do as it is told?

Mr Jack: No, obviously I do not. In 24 years, the Scottish Parliament has passed 347 Acts and the United Kingdom Government have never used a section 35 order. The legal advice deems that we should use a section 35 order this time, which is what we have done because there are adverse effects on UK-wide legislation.

Sir Bernard Jenkin (Harwich and North Essex) (Con): As the Opposition spokesman during the passage of the devolution Bills in 1998, I took part in the debate in which the devolution of equality rights was explicitly debated. I pointed out that the

"imposition of anti-discrimination laws has to be handled with great care, because it is all too easy to substitute one type of intolerance of minorities for another".—[*Official Report*, 31 March 1998; Vol. 309, c. 1121.]

That is exactly what the SNP's Bill does by denying the rights of women and girls. The important point is that the Labour Minister, Henry McLeish, one of the architects of devolution, responded by saying that human rights might be devolved, but equal opportunities should not be devolved, and that the Scottish Parliament should not

"be able to impose new duties or additional regulation in equal opportunities matters".—[*Official Report*, 31 March 1998; Vol. 309, c. 1127.]

It was expressly debated in the House of Commons, it was voted on in the House of Commons and the SNP lost their amendment on this topic. Is it not time the SNP respected the devolution settlement? Will my right hon. Friend write to the official Opposition to ask them exactly what their response to his statement means? Why have the architects of devolution been replaced by weasels?

Mr Jack: We are fortunate to have among us a colleague of great political sagacity who was there when the legislation was debated. He is right that that democratic Bill went through Parliament with the support of all parties. Section 35, the instrument we are using today, is part of that Bill brought forward by the Labour party and supported by the Scottish National party back in 1998.

Tonia Antoniazzi (Gower) (Lab): Whatever our views about the Gender Recognition Reform (Scotland) Bill, Nicola Sturgeon's obsession with independence has clouded her judgment and she is showing disregard for the rest of the United Kingdom and its laws. Her own party voted in favour of including section 35 in the Scotland Act. The rights of women and other vulnerable groups should not be pawns in her constitutional game.

Does the Secretary of State agree that invoking section 35 of the Scotland Act is deeply unfortunate but is, however, necessary because the GRR Bill does not take due consideration of UK-wide laws, and that it is Nicola Sturgeon who is failing to respect devolution and the UK-wide Equality Act with her dangerous actions?

Mr Jack: I absolutely agree. I thank the hon. Lady for her comments. As will be in the statement of reasons, we do not believe there are sufficient protections and safeguards for women and children in the GRR Bill.

Alun Cairns (Vale of Glamorgan) (Con): I am a committed Unionist, like every Conservative Member, and I respect the devolution settlement, but the principle of one legislature intervening on another could set a significant and serious precedent. Can my right hon. Friend reassure me that he is using a section 35 order because of specific legal concerns about the impact of this legislation on all parts of the United Kingdom, including Scotland, rather than to seek to undermine devolution?

Mr Jack: Yes.

Alan Brown (Kilmarnock and Loudoun) (SNP): When we hear talk of agreed positions across the UK, the Tory right wingers mean, “Scotland, do as you’re told.” Labour MPs who are being cheered by those guys over there ought to have a look at themselves.

We have had six years of consultation and discussion about the GRR Bill. When did the Secretary of State and this Government suddenly discover that the Bill somehow threatens equal pay? What part of equal pay does he think is under threat?

Mr Jack: The Minister for Women and Equalities raised that subject with the Bill Minister, and it will be explained in our statement of reasons. The adverse effects are numerous and, if the hon. Gentleman reads the statement, he will see those points.

Tim Loughton (East Worthing and Shoreham) (Con): I believe the liberties and responsibilities of all citizens across the four nations of the UK are equal, which is why, among other things, I keenly supported the extension of same-sex marriage to Northern Ireland. I share the concerns about the rights of biological women to single-sex spaces, but I am most concerned about the capacity of children—minors—to determine their own gender and embark on potentially life-changing physical transformations. This dispute has been confected by the SNP in pursuit of its separatist agenda. Does my right hon. Friend agree that it is shameful that the SNP has weaponised vulnerable children in pursuit of that agenda and would impose that agenda on the majority of children across the whole UK?

Mr Jack: Yes.

Karin Smyth (Bristol South) (Lab): In my role on the Public Administration and Constitutional Affairs Committee, I have, with others, been around the UK looking into scrutiny and the operation of devolution, of which I am a strong supporter. The state of relationships between the Tories and the SNP is deleterious and it is damaging all our rights. The SNP went to court to argue that sex was a legal construct, not a biological one. Therefore, the SNP has landed us in this position and it is trading on people’s rights—it is outrageous. The SNP is disregarding sex-based rights, which is exactly—*[Interruption.]* It is not acceptable for people who are standing up to talk about women’s sex-based rights to be constantly badgered—*[Interruption.]* Equally, I do not accept barracking from the men in the corner on the Conservative Benches. What we need to know now—it would be helpful to have the reasons before going forward—is what exactly the UK Government, who have not discussed this in advance of this coming

here before us and have behaved outrageously, are expecting the SNP Scottish Government to do to help the rights of transgender people and women.

Mr Jack: I will not go into the details of Lady Haldane’s judgment in December, but the hon. Lady is right to say that that has created part of the conflict. Again, that will be laid out in the statement of reasons. We would like the Scottish Government to address the concerns we have as to sufficient protections and safeguards for women and children across UK-wide legislation and for that to be reflected in the Bill.

Owen Thompson (Midlothian) (SNP): On a point of order, Mr Deputy Speaker.

Mr Deputy Speaker (Mr Nigel Evans): Order. There are no points of order during the statement.

Aaron Bell (Newcastle-under-Lyme) (Con): I welcome the order the Secretary of State made today. I am sure that the legislation passed by Holyrood was well intentioned, but in their unwillingness—I do not know whether this was stubbornness or naivety—to accept that there will be a tiny minority of bad actors, passing that Bill without the amendments proposed by my hon. Friend the Member for Moray (Douglas Ross) and his colleagues means that the Scottish Government are putting the sex-based rights of women and girls across the UK at risk. Is that not the point: this is affecting not just Scotland, but women and girls across the UK?

Mr Jack: Yes, indeed.

Lloyd Russell-Moyle (Brighton, Kemptown) (Lab/Co-op): The real truth of the Gender Recognition Act 2004 discussion is that almost five years ago this Government opened up a consultation on GRA reform and did sweet nothing on it. They opened up that Pandora’s box of fear, hate and misinformation, and then when one part of our country takes action—we all should have taken action—they want to use it for a constructed constitutional crisis. Is it not time that this Government brought forward proper GRA reform on basis laid out in the Scotland legislation and put to bed, once and for all, the lie that this is about equalities?

Mr Jack: I am here to answer on the constitutional decision I have taken. I suggest that the hon. Gentleman goes to oral questions and asks those questions of the Minister for Women and Equalities.

Rachel Maclean (Redditch) (Con): In response to some comments from those on the SNP Benches, let me say that I am happy to look at myself, stand up here and speak about protections for 16 and 17-year-olds, who would be able to self-ID as a legal opposite sex, travel to this country and then become part of our society. There is a clear read-across to the Equality Act in our country. Having served in the Home Office and seen the desperate need for women and girls to be protected from grooming gangs, predators and sex offenders, I know that having protections for them to access those single-sex based services, which we thankfully have—*[Interruption.]*

Mr Deputy Speaker: Order. Let’s not have that. Mr Russell-Moyle, you may not agree with what people are saying, but please respect their ability to say what they want to say. That is what we should be doing in this House.

Rachel Maclean: Thank you, Mr Deputy Speaker. Does the Secretary of State therefore agree that this is absolutely the right thing to do? I support his action and women and girls across the country, in the other three nations, are also going to thank him for it.

Mr Jack: I thank my hon. Friend for that. This is absolutely about safeguards and protecting safe spaces for women and children. She is absolutely right about that, and she also makes the point about the risk of lowering the bar for bad faith actors.

Amy Callaghan (East Dunbartonshire) (SNP): Enacting section 35 is disgraceful and unprecedented, and doing so brings the risk of this political tactic being used again. Does the Secretary of State envision section 35 being used against any other Bills progressing through Holyrood? If not, why is it being used only against this Bill?

Mr Jack: The hon. Lady is right to say that this is unprecedented and there is a very high bar here; this was not a decision I reached easily or took lightly. However, the legal advice was very strong and it was for section 35 to be used, and I have used it. As I said earlier, 347 Acts have gone through the Scottish Parliament in the past nearly 24 years. The system works and the Scotland Act 1998 works. Whether the SNP likes it or not—let us remember that the SNP did vote for it in 1998—it does provide for a section 35 order, and it is for this type of event.

Dr Caroline Johnson (Sleaford and North Hykeham) (Con): There will be those in this House who agree and those who disagree with the substance of the Gender Recognition Reform (Scotland) Bill. However, the SNP surely knew, as it rushed that legislation through Holyrood, that it would bring it into direct conflict with UK Parliament legislation and with the devolution agreement. Indeed, some may speculate that that was the SNP's intention. Does my right hon. Friend agree that the SNP should respect the devolution agreement that it voted for and not use women, girls or transgender individuals as pawns in its separatist agenda?

Mr Jack: Yes. This is entirely a legal debate we are having. It is about the Scotland Act 1998, and we should not be bringing into it or politicising the transgender community. I was disappointed by the First Minister's remarks yesterday. We respect those in that community and we value them. This decision is entirely about the legal advice I have received.

Ian Blackford (Ross, Skye and Lochaber) (SNP): We often hear about respecting the Scottish Parliament, but does this not absolutely demonstrate that power devolved is power retained? We accept that the Secretary of State has the powers enshrined in the Scotland Act under section 35, but what he has just done is ignored the fact that parties that voted for this Bill in the Scottish Parliament had a manifesto commitment. The Bill has the majority support of the Scottish Parliament and this absolutely demonstrates to everybody in Scotland that if we want to protect our Parliament, to protect the rights of the Scottish Parliament to legislate on devolved matters, we have to take the threat of action away from the Secretary of State. The only way that we can protect our Parliament is by Scotland becoming independent.

Mr Jack: I have just won a £10 note.

Lee Anderson (Ashfield) (Con): This latest debacle from the SNP just proves to me that it is not fit to govern in Scotland—it is absolutely pathetic. Does the Secretary of State agree that this so-called gender reform Bill from the SNP is just a pathetic, snidey, cynical attempt to use young people on its pathetic pathway to independence?

Mr Jack: What I am doing here is addressing the legal issues as advised by legal counsel. The issue here is adverse effects on UK-wide legislation—the Equality Act 2010 and the Gender Recognition Act 2004. That is what I am entirely focused on.

Mr Ben Bradshaw (Exeter) (Lab): I listened very carefully to what the Secretary of State said, but I did not hear a clear explanation as to why the Government believe that the Scottish gender recognition legislation conflicts with the UK Equality Act, because all it does is simplify and de-medicalise the process of transition; it does not change the status of somebody who has transitioned. That used to be Conservative party policy. It is also the policy of many other civilised countries—a growing number of countries. It is not good enough for him to say that he will publish something later today. He speaks for the Government, so he needs to be able to explain the rationale for this drastic move here to the House now. The Government also need to explain what they will do with all those foreign nationals who come from countries that already have some form of self-identification. Are the UK Government seriously going to take away their rights retrospectively?

Mr Jack: No, we are not. The Minister for Women and Equalities has provided a written ministerial statement on that. There are changes, which include 16 to 18-year-olds self-identifying without any medical diagnosis. But most importantly, in the legal advice that I have—this will be in the statement of reasons, but it is very detailed, so I do not want to bore everyone to death with it now—there is an adverse effect on two pieces of UK-wide legislation, and that is the reason why section 35 is deemed appropriate.

Mark Jenkinson (Workington) (Con): I thank my right hon. Friend for standing firm on the facts against the noise. Does he agree that, rather than manufacturing constitutional battles, the SNP would do better focusing its energies on fixing the failures across Scotland, not least in health and education?

Mr Jack: Again, I do not want to bore everyone with a long list, but we could add ferries and many other things to that list.

Mhairi Black (Paisley and Renfrewshire South) (SNP): I notice that the Secretary of State fails to mention that this is the most consulted upon piece of legislation that has ever gone through the Scottish Parliament, so this idea that it has been rushed through is nothing more than a lie. As I have said, this is already an attack on devolution. It is an attack using and weaponising the most vulnerable group in our society. On that note, can the Secretary of State say, in his own words, what he thinks the point of the Scottish Parliament is?

Mr Jack: The point of the Scottish Parliament is to serve the people of Scotland in the areas that are devolved to it, but, to be clear, within the terms of the Scotland Act. It is not an attack on devolution to use a section 35 order, where that is deemed appropriate by legal counsel, when SNP Members themselves voted for that very Act with that order in it.

Jonathan Gullis (Stoke-on-Trent North) (Con): I warmly welcome the statement made by the Secretary of State. I also wish to place on the record my support for the heroines, such as J. K. Rowling and others, who stand up despite the continued aggression and violent abuse they receive from certain people in this place and across the Scottish Parliament. Does the Secretary of State agree that this is simply about protecting the right of young girls and women to have safety in single-sex spaces, and that the politicisation of that is an absolute abomination?

Mr Jack: Well, it is. It is also about protecting the devolution settlement and two UK-wide Acts.

Alison Thewliss (Glasgow Central) (SNP): I have been contacted by Mackenzie, an inspirational woman I met recently in my constituency. She says:

“I did not choose to be trans. I did not choose to have my rights taken away, and I certainly did not choose to have my life up for debate from people who don’t even know or empathise with my community.”

Can the Secretary of State tell me why, in the absence of the UK doing anything whatsoever about improving trans rights, he is standing in the way of the Scottish Government making progress?

Mr Jack: First of all, of course we respect and support the trans community. If the hon. Lady wants to raise specific issues, the Minister for Women and Equalities is very happy to have a meeting with her.

Paul Bristow (Peterborough) (Con): Does my right hon. Friend agree that, if this House passed legislation that impinged on what should be a devolved competence, there would be howls of protest from the SNP Benches. *[Interruption.]* The fact that they are shouting down women in this House over UK-based equality legislation shows that this is not about equality at all; it is all about bashing the UK, and, for them, single sex-based rights is just collateral damage.

Mr Jack: My hon. Friend makes a very fair point. For me, this is not about anything other than following the legal advice on the adverse effects on UK-wide equality legislation, which of course involves safe single-sex spaces.

Hilary Benn (Leeds Central) (Lab): Clearly, as we have heard, there is disagreement about the process contained within the legislation that the Scottish Parliament has passed. Will the Secretary of State clarify something? Whether or not one agrees with that, the net result is that someone would be issued with a gender recognition certificate. In evoking section 35, the Secretary of State argues that this would have serious adverse impacts on the operation of the Equality Act. Can he explain why the same certificate issued under the Equality Act 2004 does not have those adverse impacts?

Mr Jack: What we are trying to do is avoid having two conflicting regimes either side of the border.

Nick Fletcher (Don Valley) (Con): I stand in full support of the Secretary of State’s decision this morning. Does he agree that the SNP is using this subject to deliberately cause division to further its single-issue campaign of creating an independent Scotland, regardless of the consequences for children and women across this nation?

Mr Jack: That is the conclusion that some people might have reached when listening to the question of the right hon. Member for Ross, Skye and Lochaber (Ian Blackford).

Chris Stephens (Glasgow South West) (SNP): Conservative Members impinged on devolved competencies in legislation last night when they voted for the anti-strike Bill. Can the Secretary of State tell us this: since the Scottish Parliament passed the gender recognition reform Bill and his decision today, what correspondence has he had with the Scottish Government to try to resolve the issue, or is it him who is a bad faith actor?

Mr Jack: As I think I have said, the Minister for Women and Equalities and civil service officials had a number of engagements. My involvement comes after the event, because it is a constitutional involvement. On the gender policy area, it is absolutely for the Minister to have that engagement, and she not only wrote but had a meeting.

James Daly (Bury North) (Con): I warmly welcome my right hon. Friend’s statement today. Does he agree that it seems quite extraordinary that the criticism of his decision today seems to be that SNP Members would have him not act on legal advice that states that this legislation impinges on the rights of women, children and some of the most vulnerable in our community? If the Secretary of State was not undertaking this action today, that would be a bigger outrage than what we have heard here today. This Government are the defender of the rights of those who are the most vulnerable and who need protecting in our society. It is a disgrace that this has been painted in the constitutional light that it has been by the SNP for its own end, rather than for the rights of women and children in our country.

Mr Jack: Absolutely.

Hannah Bardell (Livingston) (SNP): This Tory Government make me sick to my stomach. If this Secretary of State is going to come to this House and trample all over trans rights, Scottish democracy and equality, he should at the very least do his homework. Clearly, he knows as little about this Bill as he does about devolution. Are he and his Government so scared of democracy and equality that he really thinks it is justifiable to use one of the most marginalised groups in our society as political fodder in their anti-trans, anti-equality and anti-democratic endeavours?

Mr Jack: I do not recognise any of those remarks. This is about following legal advice—and not taking the decision lightly—on the adverse effects that this Bill has on two UK-wide, or GB-wide, Acts. That is the position we are in. We have written to the Scottish Government to explain our position. We will lay the statement of

reasons later. This has nothing to do with trampling over transgender rights. This is entirely to do with following a legal process and taking the legal advice that we sought.

Christine Jardine (Edinburgh West) (LD): The Secretary of State knows the value I place on the Union, so I am sure that he will understand how difficult this is for me. However, as a Scottish woman, as the mother of a Scottish daughter, and as someone who has campaigned and continues to campaign and work for women's safety, I have heard the concerns. I have looked at every clause and amendment of this Bill and spoken with MSP colleagues from all parties, searching for the place where it undermines the Equality Act and the protections that Act offers me and every other woman I know, in single-sex and other spaces. I cannot find it. Some of the UK's finest legal minds have pored over this hugely scrutinised Bill in great detail and found no conflict. What I can see is where the Bill guarantees that it will not challenge the primacy of the Equality Act. Can the Secretary of State point me to the exact lines of this Bill that he feels undermine my rights and those of every other woman, and justify why he is playing fast and loose with the Union and doing so much to hurt the most vulnerable people in our society?

Mr Jack: That is simply not true. I am looking to protect the vulnerable, as the hon. Lady will see. Legal opinion may well be divided on this, but the legal opinion we have taken is that there are adverse effects on the Equality Act and the Gender Recognition Act 2004. I note the First Minister's comments earlier today that she intends to take this matter to judicial review; we will find out whether the court of opinion that I have been hearing is right or wrong when we go to the legal courts.

Olivia Blake (Sheffield, Hallam) (Lab): I would love to hear more detail from the Minister on the legal advice that has been given, because I am still unclear how this Bill would undermine the Equality Act. Also, is it not true that the only reason we are here is because of the Government's failure to listen to their own consultation and the 100,000 people responding to it, and because the Government are using trans people as a political football, for example by leaving them out of a conversion therapy ban until—conveniently—this week?

Mr Jack: I urge the Opposition to reflect the tone here. This is a legal decision. We need to take the heat out of this debate. We are dealing with a reduction in safeguards for women and children. That is the legal advice we have, and later, when they read the statement of reasons, they will be able to draw their own conclusions.

Stewart Malcolm McDonald (Glasgow South) (SNP): I am sure that the United Kingdom's first ever female First Minister is enjoying the lecture from the Secretary of State and the various Cicero tribute acts behind him on feminism and the protection of women's rights. Is it not the case that we have here a decaying Government in their last months of office needing some red meat for their base, and an utterly supine Labour party trying to triangulate through all of this, while trans people are the collateral damage? Just as section 28 haunted Thatcher's Government, section 35 will always be associated with

the Secretary of State. He must have the statement of reasons in that folder on his knee—let him read it out from the Dispatch Box.

Mr Jack: We will publish the statement of reasons. On the other remarks the hon. Gentleman made, opinions may vary.

Liz Saville Roberts (Dwyfor Meirionnydd) (PC): This is a calculated attack on devolution, democracy and trans rights. It is increasingly clear that this tired and bitter Tory Government will weaponise any issue, no matter how sensitive, to subvert devolution. If this is really about the Equality Act, Ministers would be referring this matter to the courts; they would not be withholding their own legal advice, but would be seen to have it tested in the courts, rather than taking, as they are, unprecedented unilateral action. What do they have to say to the Unionist Welsh Labour Minister Vaughan Gething, who today said that this UK Government undermines the Union?

Mr Jack: I entirely disagree. We are supporting the Union. The Scotland Act is what we believe in. Section 35 was democratically put there and we believe we must take the legal advice we have. People are telling me to read out the statement of reasons: the statement of reasons and my order have been submitted to the parliamentary authorities, and they will be available within the timeframe that those authorities decide to release them this afternoon. Hon. Members will be able to read everything they want to read there about the reasons behind the decision, but essentially it is about protecting and safeguarding women and children where we believe there are adverse effects.

Kirsty Blackman (Aberdeen North) (SNP): Against a background of rising hate crime, my trans siblings will be horrified and terrified at the level of misinformation and lies in this Chamber today. Given that the Secretary of State has had a lot of legal advice on this, presumably he has also had briefings. Can he tell us what is the effect of a gender recognition certificate? What does it entitle someone to do?

Mr Jack: We believe, as the hon. Lady will see in the statement of reasons—I have made this point very clearly—that there is a reduction in safeguards for women and children. She will have plenty of time to read that today.

Nadia Whittome (Nottingham East) (Lab): The reason the Government cannot tell us exactly what the conflict is with the Equality Act is that there is not one. The Gender Recognition Reform (Scotland) Bill does not affect the operation of the Equality Act, and everyone in this House knows that full well, because Labour MSP Pam Duncan-Glancy put it on the face of the Bill with her amendment. Will the Minister admit that this section 35 order is really about fanning the flames of a culture war that is harming trans people across the UK?

Mr Jack: No—that is an appalling thing to say. This order is entirely addressing the legal advice I have been given, and the legal advice tells me that there is a reduction in safeguards, conflicting with two UK-wide Bills. That is the reason for the section 35 order and that is why the advice was to use it. The advice will be available to all this afternoon.

Deidre Brock (Edinburgh North and Leith) (SNP): As has been clarified by my hon. Friend the Member for Paisley and Renfrewshire South (Mhairi Black), this Bill has been under consideration by the Scottish Parliament for six years. If the UK Government thought there was some legal basis for challenging the Bill, why did they not do so in the Supreme Court through a section 33 order before now, as they have done previously?

Mr Jack: I do not want to be rude to the hon. Lady, but I am afraid what she has just said shows that she does not understand the Scotland Act or what actions are available to the United Kingdom Government. We cannot bring forward a section 33 order, or invoke section 35, while a Bill is going through the Scottish Parliament. Once the Bill has finished its third and final stage, there is a 28-day process and the legal advice—which I must say is taken on all Bills that the Scottish Parliament passes as part of the devolution settlement—and then we decide what course should be taken, based on the advice we get. On this occasion, the advice is that section 33 is not appropriate, but that section 35 is.

Owen Thompson (Midlothian) (SNP): I think it is exceptionally discourteous of the Secretary of State to refer consistently to a statement of reasons that nobody in the Chamber except him appears to have seen. This was not an urgent question or something he did not know about; this was a statement he brought himself. We should have had the statement of reasons before he made this statement. What is it about persistent electoral failure in Scotland that makes him so averse to following the principles of basic democracy?

Mr Jack: This is beyond parody. Democracy is what the Scotland Act is. Section 35 is in the Scotland Act. The SNP voted for the Scotland Act with section 35 in it. It is a democratic instrument.

Jim Shannon (Strangford) (DUP): I thank the Minister for his statement and agree that women and girls must be protected and safeguarded. He will be aware that a precedent was set for the circumnavigation of devolution when the UK Government brought in abortion on demand legislation for Northern Ireland. With great respect to my colleagues and friends—I call the hon. Members representing Scotland my friends—I do not recall those hon. Members defending the cause of Northern Ireland then. Will the Minister confirm that that precedent, supported by many who are opposing this decision today, means that the Government retain the right to step in on what they deem to be questions of equality or human rights?

Mr Jack: I am not an expert on the Northern Ireland Bills, so I will not stray into that area, but we have been advised that protections and safeguards for women and children need to be looked in light of those adverse effects. That is what we are dealing with through section 35 of the Scotland Act.

Dave Doogan (Angus) (SNP): You would think that before pulling the trigger on section 35 the Secretary of State would be absolutely across his brief, but it seems that he does not have a clue about this at all. We have heard very little about process and even less about substance. He says that the Bill would have a significant impact on, among other things, GB-wide equality matters

in Scotland, England and Wales, so what consultation did he have with the Welsh Government or the Senedd before this drastic intervention, or is this really a priority issue for the de facto English Government? With independence looming larger than ever before this crumbling Union, is this not an act of desperate democratic vandalism?

Mr Jack: No. The Minister for Women and Equalities, my right hon. Friend the Member for Saffron Walden (Kemi Badenoch), tells me that the UK Government consulted a number of years ago, and Wales would have been included in that consultation. The point is that there is no democratic vandalism, or whatever the hon. Gentleman was saying. The Act that contains section 35 is entirely democratic, and we are now using that order to protect women and children's safeguards, which we believe are undermined by the cut-across in two GB-wide laws.

Wayne David (Caerphilly) (Lab): In his response to the shadow Secretary of State, my hon. Friend the Member for Edinburgh South (Ian Murray), the right hon. Gentleman said that section 35 of the 1998 Act was not an instrument of last resort, but the memorandum of understanding signed in 2012 made it an instrument of last resort by common agreement, so what discussions on a constitutional basis has the Secretary of State had with the First Minister of Scotland to avoid this impasse?

Mr Jack: It is not the last resort. What I said to the shadow Secretary of State was that we have 28 days in which to take legal advice and act. Failing that, the Bill goes for Royal Assent. That is the timeframe we operate in. There is then the opportunity for further discussions with the Scottish Government to see if we can get the legislation in scope. We made the same offer with the UNCRC (Incorporation) (Scotland) Bill, which we took to a section 33 order, and that offer still stands. We are happy to discuss with the Scottish Government what amendments could be made to the Bill to get it in scope so that it does not have adverse effects on UK-wide legislation. There is never quite a last resort when you can go on talking, discussing and trying to resolve your differences.

Stewart Hosie (Dundee East) (SNP): It is true that under section 35, UK Ministers have the right to interfere in Scottish legislation on the grounds of defence, national security or international obligations, or if the Scottish legislation modifies or has an adverse effect on UK reserved law—that much is clear. But given that the Tory Chair of the Women and Equalities Committee, the right hon. Member for Romsey and Southampton North (Caroline Nokes) said that the GRR legislation “doesn't change the Equality Act”,

and that the Scottish Secretary has been signally incapable of giving a single example of where it might do so, this is not a debate about process; it is a debate about principle. Would it not be better, instead of interfering and engaging in a rather crass culture war, if the Scottish Secretary apologised to trans people, apologised for trampling over Scottish democracy, folded up his little red folder, and removed the threat to interfere?

Mr Jack: I say again: let us take the heat out of this debate. This is about the Equality Act 2010, which is a GB-wide piece of legislation. The legal advice we have

is that there are adverse effects to that law—that is entirely what it is—and it will be published this afternoon in the statement of reasons.

Stephen Farry (North Down) (Alliance): I stand in solidarity with Scottish colleagues across the political spectrum. It is worth pointing out that we work to harmonise equality rights issues, but the UK is not a unitary state in these matters. The Secretary of State has jumped backwards and forwards in describing the Equality Act either as UK-wide or Great Britain-wide, but to make very clear for the record, it does not apply in Northern Ireland. Does he recognise that similar legislation has been in place in the Republic of Ireland for more than seven years now? We in the UK have a common travel area with Ireland, which has reciprocal rights in freedom of movement, social security and other areas. If the Government can manage to live with Ireland's different system for gender recognition, why can they not do so for Scotland?

Mr Jack: Last time I looked, the Republic of Ireland was not part of Great Britain or the United Kingdom. It is absolutely the case that we are talking about British citizens being affected. I am told that no devolved Administration anywhere in Europe has different gender rules from the state.

Kirsten Oswald (East Renfrewshire) (SNP): It is regrettable that the Secretary of State has come here today with so little information on the issue. I think that all those in the very vulnerable group who are impacted by what he wants to do deserve significantly better than him standing up repeatedly with absolutely no information and telling us that a statement of reasons will be published later. Yet he is unable to tell us what those reasons are. It is his job to tell us what they are, and he has signally failed to do so. It is no wonder that his former colleague Andy Maciver, the former head of communications for the Scottish Conservatives, has described the UK Government's intervention as

“an act of constitutional vandalism”

that demonstrates

“Westminster's superiority complex in overdrive”.

Does the Secretary of State recognise that people will reasonably and rightly feel that way, and that, as well as their concerns about this marginalised group, they will feel extremely unhappy about the overriding of our democracy?

Mr Jack: No. I hope people will realise that the United Kingdom Government have been given legal advice that raises concerns for women and children, for their safeguards and protections, and about adverse effects to UK-wide legislation, and that we are acting on that advice and have the backs of women and children across the United Kingdom, including in Scotland, if safeguards and single-sex spaces and so on are impinged upon. If that is the concern in the statement of reasons, we believe it right to act on it for all citizens of Great Britain.

Angela Crawley (Lanark and Hamilton East) (SNP): In 2021, the Women and Equalities Committee published a report stating clearly that the gender recognition certificate did not—as is still the case—impinge on the rights of women or girls. It stated unequivocally that the exclusions applied in all instances and that women

and girls would continue to be protected regardless of the gender recognition certificate. The same applies in the case of the Gender Recognition Reform (Scotland) Bill, and nothing in the proposals contradicts that. Will the Minister outline clearly to the House what legal advice he has been given? We are still waiting for an answer.

Mr Jack: In short, two different regimes create adverse effects.

Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): Is that it? These answers are absolutely pathetic. Why can states and territories in the US, Canada and Australia successfully operate self-ID without interference or complaint from either neighbouring territories or central Government, but it cannot happen here even though we are supposed to have the most powerful devolved Parliament in the world?

Why does the equalities unit fact sheet produced by the Government for their own consultation on self-ID state clearly:

“There will be no change to the provision of women-only spaces and services... This has been the law since 2010 and will not change”?

The Secretary of State is scrabbling around for legal advice to peddle myths in this Chamber, isn't he?

Mr Jack: I did say that there was no devolved Administration in Europe that had different gender rules to the state. The hon. Gentleman raises the USA, Canada and Australia, where there is no central ID law, because, differently, they have federal structures.

Peter Grant (Glenrothes) (SNP): Perhaps the Secretary of State could take some heat out of this argument by confirming a few matters of fact of which a lot of his colleagues seem to be unaware. Can he confirm that this rushed piece of legislation has been under six years of scrutiny by the Scottish Parliament? Can he confirm that during that period and the last Scottish Parliament elections, an overwhelming majority of MSPs were elected on explicit manifesto commitments in favour of this legislation? Can he confirm that there is absolutely nothing in this legislation that makes any difference to the rights or ability of anybody to go into any protected single-sex space in Scotland or anywhere else in the world? Finally, when he eventually has the courtesy to let us see what he intends to put forward and the advice on which it is based, will he guarantee that this House will have a further chance to consider and vote on what he is proposing?

Mr Jack: I did not catch everything the hon. Gentleman said—my tinnitus gets the better of me sometimes. As to all the legal reasons, we have covered that a hundred times today. As to whether there will be a chance for another debate and another vote, my understanding of section 35 is that the Opposition have 40 days to pray against it, and that would then lead to a debate in this Parliament.

Patrick Grady (Glasgow North) (SNP): The Secretary of State for vetoing Scotland will be disappointed when he eventually gets to the House of Lords, because, even for all its faults, the House of Lords does not have the kind of veto power that he is exercising today. Even if the United States President vetoes a Bill, it is subject to

[Patrick Grady]

checks and balances from Congress. Further to what my hon. Friend the Member for Glenrothes (Peter Grant) just said, if a motion is tabled praying against the section 35 order, will the Government guarantee that time will be made available for a debate and a vote on the Floor of the House?

Mr Jack: That is a question for the Leader of the House.

Allan Dorans (Ayr, Carrick and Cumnock) (SNP): In the Secretary of State's statement, he said:

"It is open to the Scottish Government to bring back an amended Bill for reconsideration in the Scottish Parliament."

What provisions would need to be added or taken away from the original Bill to make it acceptable to this Government?

Mr Jack: Regarding any amendment to the Bill, if the Scottish Government want to bring it back, they have to address the central issue—I know there are difficulties for them with this—which is that we do not believe, in the cross-cut against GB legislation, that there are sufficient protections and safeguards for women and children, as reflected in existing Westminster legislation.

Pete Wishart (Perth and North Perthshire) (SNP): On a point of order, Mr Speaker.

Mr Speaker: No, I want to get through the ten-minute rule Bill. I will take points of order after that, depending on what the House decides.

Gender Recognition Reform (Scotland) Bill: Section 35 Power

Application for emergency debate (Standing Order No. 24)

Mr Speaker: I call Stephen Flynn to make an application for leave to propose a debate on a specific and important matter that should have urgent consideration under the terms of Standing Order No. 24. The hon. Member has three minutes in which to make such an application.

3.3 pm

Stephen Flynn (Aberdeen South) (SNP): I rise to propose that the House should debate the matter of the unprecedented and unjustifiable decision of this United Kingdom Government to overturn the views and legislative programme of the democratically elected Members of Scotland's national Parliament in Holyrood. The arguments on this matter are lengthy. Some of them have just been covered, and many more will hopefully be covered in a debate to come, should you so seek to grant it, Mr Speaker, and I am not seeking to be presumptuous in that regard. Should you seek to grant it, I will endeavour to cover those many points and to highlight to this Chamber and to the public the democratic shortfall that exists at the heart of this supposed Union of equals.

Mr Speaker: The hon. Member asks leave to propose a debate on the specific and important matter that should have urgent consideration—namely, that this House has considered the Government's decision to use section 35 of the Scotland Act 1998 with regard to the Gender Recognition Reform (Scotland) Bill.

I have listened carefully to the application of the hon. Member, and I am satisfied that the matter raised is proper to be discussed under Standing Order No. 24. Has the hon. Member the leave of the House?

Application agreed to.

Mr Speaker: The Member has obtained the leave of the House. The debate will be held today immediately after the ten-minute rule Bill. The debate will last two hours and will arise on the motion that the House has considered the specific matter set out in the hon. Member's application. I remind the House that Standing Order No. 24 provides for the additional time taken by this debate to be added at the end of proceedings on the Online Safety Bill.

Markets and Market Traders (Review of Support)

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

3.5 pm

Simon Baynes (Clwyd South) (Con): I beg to move,

That leave be given to bring in a Bill to require the Secretary of State to undertake a review of the support available to markets and market traders and of the options for improving that support; and for connected purposes.

Markets are close to my heart, as my grandfather's butchers' business R.A. Dodds was based in the Grainger market in Newcastle, where they had five stalls and from where they expanded between the wars to establish shops across Northumberland. I grew up hearing stories of the family business, which sadly no longer exists, but the memories are still strong, as I found a few years ago when visiting Grainger market. When I was mayor of Llanfyllin five years ago, I played a key part in establishing a farmers' market in the town each summer.

I am delighted to have 11 colleagues from across the House as co-sponsors of this Bill, and I know that they, like me, strongly support their local markets, particularly my constituency neighbour my hon. Friend the Member for Wrexham (Sarah Atherton), with whom I, as the MP for Clwyd South, share the parliamentary representation of Wrexham County Borough Council.

The city of Wrexham has its origins as a market town, and the livestock market was at one time the largest in Wales. The people's market is now Tŷ Pawb. The central market continues in its traditional way and the butchers' market is due for redevelopment next year to offer a wide range of high-quality Welsh food and drink. Markets also play an important role in Clwyd South, where street and specialist markets are held in Llangollen, on the Rhug Estate and elsewhere in the constituency. They make a marked contribution to our society. Until August last year, I was the chair of the all-party parliamentary markets group, which gave me further valuable insight into the successes and needs of the markets industry.

Markets are part of the history and tradition of many towns and cities in the UK. The most recent survey of the markets industry indicates that some 1,150 traditional markets are now trading, and they are the outlet for an amazing more than 32,000 small and medium-sized enterprises. They exist through charters from the Crown, custom and practice and statutory legislation. In addition, numerous specialist markets, continental and Christmas markets generate essential footfall for town and city centres and support local economies, tourism, hospitality and employment.

Two national organisations represent the markets industry. The National Association of British Market Authorities, which focuses on market operators—local authorities, private operators, community interest companies and charities—and the National Market Traders Federation, which supports market traders across the UK. Both organisations currently meet the Government through the Retail Forum and the all-party parliamentary markets group.

Slowly the market industry is returning from the financial, community and personal damages of covid. The recovery has seen some markets enjoying success

and attracting investment as part of exciting regeneration schemes, but for others the picture is still not encouraging.

The NABMA 2022 survey was the first meaningful assessment of the state of the markets industry since the pandemic. The main headlines and questions arising from the survey of 241 markets were, first, that stall occupancy has fallen from a national average of 77% four years ago to 72%. Street markets and outdoor covered markets have seen the greatest decline. How can we reverse that? More markets are operating at a loss—a 6% increase from four years ago. Only 40% of markets are trading with a surplus. Is that sustainable, and how can it be reversed?

Markets feature heavily as part of town and city centre regeneration for a number of local authorities. How can Government funding be attracted to deliver successful and modern markets? Traditional family businesses are declining, particularly specialist businesses such as butchers and fishmongers. How does the market industry attract new and younger traders?

Markets are at the heart of local communities and are a part of local history. They also have a key role to play in the future of communities and Government initiatives, particularly levelling up. A key area for the Government to address is business rates. In 2022, business rates assessed on markets totalled over £20 million. The Chancellor announced the relief of business rates for many businesses but, due to an anomaly, local authority markets do not enjoy the benefits of that measure. Due to restrictions in local authority finance legislation, a local authority cannot grant a concession to itself on business rates, whereas private markets can take advantage of the benefit. Therefore, as a key part of the review called for in this Bill, the Government should look at extending business rate relief to local authority markets, including parish, town and community councils. Markets operated under charitable trusts should also be beneficiaries.

The markets industry has taken several important initiatives via NABMA and NMTF to address areas that need more support. Those initiatives point to the areas in which the Government could focus their support for the industry. First, recognising the fall in market occupancy and local businesses, the industry is delivering a Grow a Business campaign in 2023 to attract more individuals to try out market trading. That is especially for young traders but also individuals who are looking at a second or new career. Part of the historic success of market trading is seeing small businesses prosper and grow and then move into the local high street. Never has that been more important.

Secondly, the industry's Young Traders Market campaign celebrated its 10th anniversary in 2022. From relatively small beginnings, it has grown into an incredibly successful campaign. The winners go on to 10 regional finals involving 250 young people of whom 90 go the national final held in Stratford-upon-Avon. Many sustainable businesses were created during the campaign. It is a flagship for the industry.

Thirdly, the Love Your Local Market campaign has gone from strength to strength over the last 12 years. Its origins lay in the Mary Portas review into the future of the high streets, commissioned by former Prime Minister David Cameron in 2011. The Government at the time were concerned by the same issues as the Government today, such as the contraction of retail. They sought to

[Simon Baynes]

deliver real change in communities and make towns multi-functional places to live, work and visit. Markets featured prominently in the Portas report, which said, “markets can serve as fundamental traffic drivers back to our High Streets”.

The Love Your Local Market campaign, which is now in its 12th year, attracts more and more support and is celebrated in more than 25 countries around the world. The Government provided funding to launch the campaign, which serves as an important catalyst for change.

In conclusion, the value of markets to local communities is widely recognised. I know that the Government are keen to be as supporting as possible. This Bill calls for a Government review of the support available to markets. Options for improving that support would be welcomed with open arms by market operators and traders alike, and would bring lasting benefits to our communities across the length and breadth of the UK.

Question put and agreed to.

Ordered,

That Simon Baynes, Sarah Atherton, Paul Bristow, James Daly, Sally-Ann Hart, Mr David Jones, Ben Lake, Robin Millar, Robbie Moore, Helen Morgan, Jim Shannon and Matt Vickers present the Bill.

Simon Baynes accordingly presented the Bill.

Bill read the First time; to be read a Second time on Friday 24 February, and to be printed (Bill 228).

Points of Order

3.15 pm

Ian Murray (Edinburgh South) (Lab): On a point of order, Mr Speaker. Earlier, you rightly agreed to a Standing Order No. 24 application for an emergency debate, which the House has agreed to hold today. I fear, however, that it may be a bit of an empty debate, because the statement of reasons why the Government have made the section 35 order—which is unprecedented and has never happened in the history of this House—has not been given to Members and will not be laid in the Library until later this afternoon. May I seek your guidance on whether the Standing Order No. 24 debate should be postponed until the statement has been published and we have had time to digest the reasons?

Mr Speaker: The Secretary of State is with us, so perhaps he would like to inform the House.

The Secretary of State for Scotland (Mr Alister Jack) We laid the order at 12.34 pm, with the statement of reasons. The House authorities have to clear it before they publish it, and they will not do that until 5 pm. However, Mr Speaker has given me dispensation to publish the statement of reasons on the gov.uk website. We are doing that now. It is also being emailed to the hon. Members for Edinburgh South (Ian Murray), for Edinburgh West (Christine Jardine) and for Aberdeen South (Stephen Flynn).

Stephen Flynn (Aberdeen South) (SNP): Further to that point of order, Mr Speaker. We have just questioned the Secretary of State for more than an hour and he repeatedly mentioned the statement of reasons, which we have not yet seen. I am now told that I am going to receive the statement of reasons. I think it would be wise for the House to be suspended so that we can all consider those reasons in full prior to the debate, because they will be of intrinsic value to us all.

Mr Alistair Carmichael (Orkney and Shetland) (LD): Further to that point of order, Mr Speaker. I remain to be convinced whether the Secretary of State understands the effect of a gender recognition certificate, but surely it is now apparent that he does not understand the concept of parliamentary accountability. For as long as I have been in this House, if the House were to be made aware of a Government document or publication of any sort, it would be placed in the House of Commons Library. It was not sent by email to individual named members. Surely all Members of this United Kingdom Parliament have an interest in knowing the Government position. There is no good reason for this unprecedented departure from previous processes.

Pete Wishart (Perth and North Perthshire) (SNP): Further to that point of order, Mr Speaker. This has been an absolute and utter mess. The Secretary of State was not forced to come to the House to answer an urgent question. He came voluntarily. It has been central to the Government's case that the Gender Recognition Reform (Scotland) Bill passed by the Scottish Parliament conflicts with the Equality Act 2010. There is a statement of reasons as to why that is the case, but Members could not question him on it because he had not provided it. Now, he says that he will supply it through email.

Further to the point of order by the leader of the Scottish National party, may I insist that you, Mr Speaker, give us an opportunity to adjourn to that we can consider the statement properly? Then, we can come back and question the Secretary of State, who has to be at the Dispatch Box for the next debate, on the statements of reasons and why the UK Government have invoked a section 35 order against the legislation.

Kirsten Oswald (East Renfrewshire) (SNP): Further to that point of order, Mr Speaker. I noticed that the Secretary of State said during his statement that he had not brought the statement of reasons and that he did not want to bore us with it. That was an extraordinary thing to say, given the gravity of the situation and the subject matter. I wonder whether he has now changed his mind and does not think it is something that is tedious and boring for us to deal with but realises that this is a serious and important piece of dialogue that we should have had from him in advance of this sitting. Are you able to give us any guidance, Mr Speaker, on how everyone who wanted to respond to the statement but did not have the information might be able to contribute to the debate in full possession of the information?

Drew Hendry (Inverness, Nairn, Badenoch and Strathspey) (SNP): Further to that point of order, Mr Speaker. Can you advise the House on whether there is any precedent for a situation where a Secretary of State turns up at the Dispatch Box without the accompanying information necessary to advise and guide the discussion and debate in a question session? In my experience here since I was elected, that seems to be the way that things are supposed to be done. Is this shambolic behaviour from the Secretary of State for Scotlandprecedented or unprecedented?

Owen Thompson (Midlothian) (SNP): Further to that point of order, Mr Speaker. I apologise to Mr Deputy Speaker for trying to intervene during the question session. However, this is important, because the statement of reasons is clearly a critical factor in the discussion. We were not able to question the Secretary of State on it after the statement, which he brought to the House. We are going to have a debate, which is encouraging and welcome, but most of us will not have had the chance to see the statement of reasons before it starts. Can you advise us, Mr Speaker, on what further opportunities Members will have beyond this Standing Order No. 24 debate to question the Secretary of State in detail on the statement of reasons, when the Government eventually get around to publishing it?

Alan Brown (Kilmarnock and Loudoun) (SNP): Further to that point of order, Mr Speaker. We had over an hour of questions after a voluntary statement from the Secretary of State. He kept referring to the statement of reasons but would not divulge any information. He also kept referring to the Minister for Women and Equalities and said that she would be able to answer all the questions. Did the Government at any point discuss who was the most appropriate person to make the statement, so that Members could question the Government properly and ask somebody who actually had some knowledge and could answer questions?

Mr Speaker: In an ideal world, yes, it would be easier. The statement of reasons is now live, and it should have been emailed to certain Members to ensure that they can see it. [*Interruption.*] Do not shake your head just yet—please check; that would be helpful. We could argue that the Secretary of State has set it out for over an hour and answered the questions. I want to ensure that this debate goes ahead. We could have put it off until tomorrow. Quite rightly, Members wanted it today, which is important, so I am going to go ahead. It is not the best way to start the debate, but I ask Members to check, because I am assured that the document is available online for Members to see.

Stephen Flynn (Aberdeen South) (SNP): On a point of order, Mr Speaker. I have many skills at my disposal, but the ability to speak while also looking at the Government's statement of reasons is certainly not one of them. It is entirely unfair for me as an elected Member of this House to partake in a debate—which you have kindly granted, and I appreciate that—without being in full possession of the facts. That is not my fault. That is the fault of the Secretary of State for Scotland, who is not just undermining Scotland's devolution; he is undermining this place, and that is of serious consequence to you, I imagine.

Mr Speaker: This is not the end; this is the beginning. There will be lots of opportunities for this to further be discussed. I want to make sure that this debate starts, and it is important that you lay out the facts. Hopefully during this time, you will have been starting to read the statement of reasons. I want to deal with the point of order from Amy Callaghan, who has quite rightly been waiting. I wanted to separate the two issues, because I believe it is an important point.

Amy Callaghan (East Dunbartonshire) (SNP): On a point of order, Mr Speaker. I seek your advice on what options are open to correct the record after the hon. Member for Stoke-on-Trent North (Jonathan Gullis), who is no longer in his place, spread misinformation in his question when he said that people in this House and in Holyrood are inciting violence on the issue of the GRR Bill.

Kirsten Oswald: That is disgraceful.

Mr Speaker: That is a matter of opinion, but I really do recommend that Members are very careful in the language they use. It is important that we show tolerance and, more importantly, that we show respect to each other. Nothing should inflame the tensions that will already be running high. I thank the hon. Member for raising that point with me. I say to all Members: please, think long and hard before you speak, because messages that you give in this House can be reflected in a way that I do not wish to see.

Sir Christopher Chope (Christchurch) (Con): On a point of order, Mr Speaker. This is a relatively trivial point of order compared with the previous ones. Nevertheless, it relates to the procedures in this House. You were in the Chair during topical questions today, and you will have heard the Minister for Energy and Climate seemingly criticise me for not having given prior notice of the topical question that I chose to ask. I had it originally in mind to ask a different question, but

[Sir Christopher Chope]

because that question had already been answered, I thought it would be perfectly reasonable to choose another topical subject. I was disappointed that my right hon. Friend did not know the answer, because a lot of evidence has come out recently that there was a fifteenfold increase in the number of household fires caused by solar panels in 2022, and I am surprised that the Minister did not know anything about it.

Mr Speaker: If the Minister does not want to respond, I will answer it for him. Of course, you can ask any question. That is the whole idea of topicals—to keep the Minister alive and on his feet. It is not for me to apologise when a Minister cannot answer. Let us leave it at that.

Kirsty Blackman (Aberdeen North) (SNP): On a point of order, Mr Speaker.

Mr Speaker: Is it on something I have already ruled? If so, I want to make progress, but if it is completely different, I will make a judgment in a second.

Kirsty Blackman: It is a different question. Given that we are going into this debate without having seen the statement of reasons, will you give us a measure of flexibility by still allowing us to speak if we need to nip out to get a copy, even if we miss a few seconds of the debate?

Mr Speaker: I am sure we could bring copies in for you—in fact, I see that Mr Hosie is already doing due diligence in delivering them, and quite rightly too.

Gender Recognition Reform (Scotland) Bill: Section 35 Power

Emergency debate (Standing Order No. 24)

3.27 pm

Stephen Flynn (Aberdeen South) (SNP): I beg to move,

That this House has considered the Government's decision to use section 35 of the Scotland Act with regard to the Gender Recognition Reform (Scotland) Bill.

Here we have it, eventually: the statement of reasons, which I am expected to read while also speaking. I have to admit that there is a real temptation for me to stand here and read every single word of it into the record right now. *[Interruption.]* They want me to! They probably should not goad me to; I will. On a more serious note—*[Interruption.]* Calm down. On a more serious note, I want to start with an apology to those people—and this should apply to everyone, irrespective of their views on the GRR—who have hopes and aspirations for the future and who have fought so hard for a piece of legislation for so long and now see their hope being taken away from them. It is being taken away from them by a Government whom they did not vote for and whom we have not voted for since 1955.

That goes to the heart of the issue, which is about democracy on these islands and what democracy looks like in the United Kingdom. In Scotland's democratically elected Parliament in Holyrood, legislation has been passed that relates directly—directly—to a devolved competency. The GRR Bill is the most-consulted-on legislation in the history of the Scottish Parliament. It received support from not just the Scottish National party, but the Labour party in Scotland; Conservative party members in Scotland, including the predecessor of the hon. Member for Moray (Douglas Ross), as I understand it; the Liberal Democrats in Scotland; and the Greens in Scotland.

Sir Bernard Jenkin (Harwich and North Essex) (Con): Will the hon. Gentleman give way?

Stephen Flynn: I will give way in a moment.

In total, the Bill received support from nearly two thirds of Scotland's democratically elected Parliament in Holyrood. It is an outrage that the United Kingdom Government are seeking to overturn the mandate and the legislation put down by our Scottish Parliament.

Hannah Bardell (Livingston) (SNP): I will give my hon. Friend a chance to look at the first page of the reasons for this appalling decision. My hon. Friend the Member for Central Ayrshire (Dr Whitford) spoke earlier about the World Health Organisation and the other European and Commonwealth nations that already have such legislation, and how Scotland would be brought into line with them. The statement talks about

“removing a number of measures which the UK government regards as important safeguards”,

which are the very measures—*[Interruption.]* If hon. Members pipe down and listen, they might learn something. Those measures, which include the medicalisation of the process and breaches of human rights, such as a trans person having to present themselves to a panel to justify their existence, are the very things that we sought to remove because they so affected the rights of trans people.

Stephen Flynn: I thank my hon. Friend for her worthwhile contribution, which I did not hear in its entirety because of the rabid gammon on the Conservative Benches. None the less, it was an incredibly important point that we should reflect on.

Some of the questions from Conservative Back Benchers to the Secretary of State during the statement were about re-running the debate that has already happened in Holyrood. Numerous Conservative Members suggested that they oppose the GRR Bill for different reasons, but those reasons have already been exhausted in Scotland's democratically elected Parliament. If Conservative Members have issues with what the Scottish Parliament has put forward, perhaps they should jump on a train to Scotland, get themselves elected to the Scottish Parliament and try to change the legislation there, rather than using this place to overturn Scotland's democratically elected Parliament.

Alan Brown (Kilmarnock and Loudoun) (SNP): My hon. Friend rightly said that the GRR Bill passed with cross-party support in Holyrood, including from some Conservative MSPs. One of those was Jamie Greene, the Conservative party's spokesperson for justice—given his role, he showed good courage in voting for it. Is it not the case that his leader, the hon. Member for Moray (Douglas Ross), has just sold him down the river?

Stephen Flynn: I entirely agree; perhaps the hon. Member for Moray would like to address that.

Douglas Ross (Moray) (Con): The hon. Gentleman is talking about people who supported and opposed the Bill. Can he confirm that a Scottish Government Justice Minister resigned to oppose the Bill; a former Scottish Government SNP Cabinet Secretary voted against it; and in total, nine SNP MSPs felt that the legislation was deeply flawed and wrong, and voted against it?

Stephen Flynn: The hon. Member, although he sits in this Chamber, already sits in Holyrood as well. He will be familiar with the fact that the overwhelming majority of parliamentarians elected to Holyrood voted in favour of the legislation. I appreciate that he lost that debate in Holyrood, but he should not support this Government trying to overturn the decision. I would be interested to hear about the conversations that he has had with his elected colleagues in Holyrood about the decision.

Douglas Ross: I am grateful to the hon. Gentleman for giving way a second time. Of course, I did have conversations, because I was the only party leader in Scotland to make this a free vote and allow my party Members to come to a conclusion, as Jamie Greene did. Nicola Sturgeon and the SNP refused to do that, which is why she lost Government Ministers as a result.

Stephen Flynn: If we are going to talk about losing, the hon. Gentleman lost the debate in Scotland. I repeat once again that it is not democratic to try to overturn that legislation here in this place.

Sir Bernard Jenkin: Will the hon. Gentleman give way?

Stephen Flynn: I will not. I want to make a little progress.

It has been inferred by some Conservative Members that GRR is in some way in conflict with the Equality Act 2010. Indeed, I am sure that, in this time before me, that is the case, yet there are also senior Members on those Benches who have been vocal about the fact that it does not interfere with or overturn the Equality Act in any way, shape or form, so which one is it?

Mhairi Black (Paisley and Renfrewshire South) (SNP): Does my hon. Friend agree with me in finding it ridiculous that Conservative Members keep claiming they want to protect women and children's rights given the fact that, just last night, the Government undermined workers' rights, they want to get rid of the Human Rights Act, they introduced the rape clause and they want to remove us from the European Court of Human Rights. Is it not the case that if we want to defend rights, we get them as far away from this lot as possible?

Stephen Flynn: Absolutely. My hon. Friend has made an incredibly important point about the Strikes (Minimum Service Levels) Bill. The UK Government are seeking to overturn and ignore Scotland's democratically elected politicians not just in relation to the GRR, but, without making any grand assumptions, on the right to strike, because I can say with wholehearted confidence that an overwhelming majority of parliamentarians in Holyrood are opposed to that Bill, but they will be ignored on that too.

Tomorrow, a Bill will come before the House on the 4,000 pieces of EU legislation that the UK Government want to throw into the wind. It is Bill that puts our food standards at risk, that puts workers' rights at risk and that puts overwhelming power in the hands of Tory Ministers—unelected in Scotland, of course—to do as they please. The Scottish Parliament has been clear once again that it opposes that, yet that too will be ignored: Scotland's democracy ignored and ignored.

Drew Hendry (Inverness, Nairn, Badenoch and Strathspey) (SNP): My hon. Friend is making a powerful point about what is, at its core, an attack on the rights of Scottish people and the Scottish Parliament. His comments about attacks on the Scottish Parliament have been echoed by the Welsh Labour First Minister, Mark Drakeford, who has called the section 35 interference a "dangerous move". Is there not a deafness, not only on the Government Benches but on the Labour Benches, about how dangerous such moves are for democracy across the nations of the UK?

Stephen Flynn: Absolutely. It appears that Mark Drakeford has more of a backbone than the vast majority of those in the parliamentary Labour party put together, and they could do well to learn from his views in that respect.

Democracy matters, and this UK Government are consistently seeking to ignore Scotland's democracy. I mentioned the right to strike and the Retained EU Law (Revocation and Reform) Bill, but it is also true of Brexit as a whole in that 72% of Scots want to rejoin the European Union, yet the UK Government and indeed the Labour party have absolutely no interest in that position whatsoever.

Pete Wishart (Perth and North Perthshire) (SNP): I know my hon. Friend has not had an opportunity to look at the statement of reasons, some 57 paragraphs of

[Pete Wishart]

which have just been served up to us. I have had a chance to have a quick look at it, and maybe my hon. Friend should not bother doing so in any great degree of detail because it is specious, hypothetical and poorly informed. One example is that, on equal pay, the Government seem to believe that a trans man would take advantage of the opportunity to be paid less. That is the type of rubbish included in this. What does he think of that?

Stephen Flynn: I have obviously not had the opportunity to look at it, but if that is the case it is a complete and utter embarrassment. It shows that, just as the Secretary of State was unprepared today on this matter, so too are his Government on the arguments they are putting forward. I am a little bit embarrassed for them in that regard.

Hannah Bardell: My hon. Friend is incredibly generous in giving way. Regarding what the Government are trying to take out of the legislation and that they have concerns with, point 4 is particularly worrying. It states:

“Taken together, these amendments remove any requirement for third party verification or evidence from the process.”

If I am not wrong, when I came out I did not have to seek verification from anybody to be a lesbian. I do not understand why we are treating trans people as if they are applying for some kind of arbitrary, inanimate thing. This is about their identity. It is about their lives and livelihoods, and we should treat them with the dignity and respect they deserve.

Stephen Flynn: You will be unsurprised to know, Mr Speaker, that I very much agree in that regard.

Karl McCartney (Lincoln) (Con): Will the hon. Gentleman give way?

Stephen Flynn: No.

Let me return to the points I was making about democracy, on the right to strike, EU legislation, Brexit, but also, importantly, on Scotland's right to choose. As we found towards the end of last year—if the Father of the House wishes to awaken from his slumber—[*Interruption.*] No, Mr Speaker, he does not appear to awaken from his slumber. It is very distracting to see that in front of you in a democratically elected Parliament.

If we are to reflect on democracy, last year Scotland was denied its right to choose by this UK Government. The Supreme Court was clear that we do not have power under the constitutional settlement to have a second independence referendum, irrespective of the views of the people of Scotland. Yet the only answer that the UK Government can give to any question in relation to that is, “No. You cannot have your say.” No matter which way we turn or what the issue of the day is, this UK Government are not interested in Scotland's democracy. Let us look in closer detail at the Conservative party position on that.

Angela Crawley (Lanark and Hamilton East) (SNP): Does the statement of reasons not clearly state that the Government do not have any legal basis on which to challenge this legislation? The simple fact is that the

Secretary of State for Scotland has opened himself up to judicial review, because he will simply find that he has no modification of the Equality Act 2010, and that there are no examples—none—indicating that he has justifiable reasons for outlining a section 35 order.

Stephen Flynn: The Secretary of State has opened himself up to many things, ridicule among them, by his failure to see the blindingly obvious.

To revert to my previous point about the wider Conservative position, let us be clear and in no doubt whatsoever that the Conservatives are seeking to utilise this issue for a culture war—nothing more, nothing less. These are the dying embers of a failing Government who see the polls, who know they are on their way out, and who know their Members will lose their seats. In a last gasp attempt to create division, they are using some of the most vulnerable people in society to create a culture war.

Dave Doogan (Angus) (SNP): My hon. Friend is kind in giving way. He is absolutely right. The SNP was accused earlier of trying to use this issue as a vehicle to create a constitutional schism and conflict, but like all parties in Holyrood that voted the Bill through in the Scottish Parliament, the SNP had a mandate from the electorate in Scotland. Is my hon. Friend concerned, as I am, that the Conservative Government have no mandate from anybody for the action they are taking?

Stephen Flynn: I share my hon. Friend's views. I am deeply concerned about that, and about the culture war that the Government are seeking to stoke.

Let us also reflect on what we have here. We have a Conservative Government, who have not been elected in Scotland since 1955. Perhaps most intriguing, we have a Secretary of State for Scotland who, in the coming months, will be walking out of this place. He will not be walking anywhere except along to the undemocratic House of Lords. Baron Jack, as he will come to be known, is trying to tell Scotland's democratically elected parliamentarians what they can and cannot do, while at the same time knowing that he will end up in an unelected Chamber. Shame on him and shame on his Conservative colleagues.

Sir Bernard Jenkin: Why does the hon. Gentleman think that the gender recognition Bill has been such a protracted dispute in the Scottish Parliament and so divided the Scottish National party?

Stephen Flynn: I do not agree with the hon. Member on that. I think it is healthy in a democracy for discussion to be had within a Parliament, and that is exactly what has happened in Holyrood. It may have escaped his notice, but I will repeat that parliamentarians from each and every party in Holyrood voted in favour of the legislation. The question to him and his colleagues is: why are they seeking to overturn Scotland's democratic view in this way? I am more than happy to invite him back in to answer that specific point. He is not interested.

Douglas Ross *rose*—

Stephen Flynn: I have been generous in giving way so far.

Of course, this is not just about the Conservatives; it is about the Labour party, too. Should Labour Members rise from their seats and remove the splinters on this topic? Labour is the party that last year released a document by Gordon Brown that was meant to put devolution front and centre. Critics like me said, “We’ve all heard it before. It’s not going to happen,” and when Scotland’s Parliament is under attack from Westminster, where is the Labour party? It is nowhere to be found.

Douglas Ross: I am grateful to the hon. Gentleman for giving way; this is the final time that I will intervene on him. Do all his SNP MPs in the UK Parliament support the SNP’s Gender Recognition Reform (Scotland) Bill?

Stephen Flynn: I will tell the hon. Member what my colleagues support, and that is enabling the people of Scotland to make decisions over their future without interference from his Westminster Government.

We have heard it all before from the Conservatives in their culture war, and we know that, under the Leader of the Opposition, the Labour party is rowing back from its support for the LGBTQ+ community on this topic. It is deeply disappointing to hear that. When we go to the Scottish electorate again, we will have a Labour party that is against the biggest issue that dominates Scottish politics at the moment. It is also against Scotland having its view in respect of our membership of the European Union, and supports the UK Parliament overriding Holyrood. Shame on Labour, too.

Drew Hendry: I am grateful to my hon. Friend for giving way once again. Is not this political act of the Tory Government, grubbing around for one last dying ember of distraction and producing this vacuous document as an excuse, an example of desperation? Is it not also, as he has outlined, an example of desperation to get into power that the Labour party will not even take a position to support the devolution that it was supposed to champion in the first place?

Stephen Flynn: Absolutely. I am confident that the people of Scotland will be watching and listening to Labour’s position. I am more than happy to let the hon. Member for Edinburgh South (Ian Murray) intervene if he so wishes. [*Interruption.*] No, he just wishes to chunter from a sedentary position.

Dr Caroline Johnson (Sleaford and North Hykeham) (Con): I am listening to the hon. Member’s argument, which appears to be about democracy. In some respects, I can see the power of it, but I am a bit confused. It seems to me that the SNP, with representatives from Scotland, voted for the Scotland Act 1998 and for the section 35 measures that are being used today. Furthermore, they can be used today in the UK Parliament because the Scottish people voted to remain in the UK in a referendum just in 2014.

Stephen Flynn: With all due respect, I think that the hon. Member is missing the point. Democratically elected Members in Scotland’s Parliament have voted for legislation in a devolved competency and the UK Government—her party—are seeking to block that legislation. That is simply not fair, and it is not democratic in any way, shape or form.

What comes next in the continual democratic deficit we experience in these here islands? It is incumbent on reasonable Unionists, of whom I think there are many—I do not see very many in front of me, but I think there are many in society—to come forward.

Dr Philippa Whitford (Central Ayrshire) (SNP): In part 2 of this big flabby document, the heading states:

“Adverse effects of different GRC regimes across the UK”.

If there is no allowance for different GRC regimes, how come gender recognition is devolved in the first place?

Stephen Flynn: Indeed. A very powerful and eloquent point by my hon. Friend, as always.

The point of what comes next is incredibly important. Where do we go when Scotland’s Parliament, our views and our purpose is just being ignored by Westminster? What are we to do? How are people in Scotland to respond? When will reasonable Unionists stand up and say, “You know what? This isn’t on. If you believe in this Union of equals, then you put the Scottish Parliament first.” I do not see that and I do not hear that in Westminster, and this is the clearest example of that.

Kirsten Oswald (East Renfrewshire) (SNP): My hon. Friend is making a really powerful speech and putting the democratic deficit front and centre for people. As well as the huge disappointment I am sure we all feel about what the UK Tory Government are doing, is he disappointed that the UK Labour party, it is reported, will not challenge this intervention, to the great disappointment of a number of its Scottish MSP colleagues? Those colleagues of Labour Members are deeply disappointed, and no wonder.

Stephen Flynn: Indeed. As we are looking for reasonable Unionists, they are clearly not found on the Labour Benches. If the shadow Secretary of State wants to clarify that that is not the case, then I am more than happy for him to do so, but I will be unsurprised if he does not.

Sir Chris Bryant (Rhondda) (Lab): I am very reluctant to be goaded by the SNP, but none the less here we are.

Just to be clear, I certainly wanted to make sure that there is a proper gender recognition plan across the whole United Kingdom, because I am sick and tired of people setting women’s rights against trans people’s rights. That is where I want to get to and I am looking for solutions to that problem, not anything else.

Stephen Flynn: I respect the sincerity with which the hon. Gentleman delivers his points in that regard and I see a lot of hon. Members nodding. Well, if that is the case, I am sure he will support us, because we have a solution in Scotland. That solution is the legislation put forward in the Scottish Parliament, which has received democratic support in the Scottish Parliament and which this UK Government are blocking. He should share my anger, and I hope the anger of his colleagues in the Scottish Parliament, on that particular point.

It is a rarity in this place—I am sure she will forgive me—that I agree with some of the comments made by the hon. Member for Edinburgh West (Christine Jardine). We heard from her earlier about the difficulty this situation is causing her in respect of the Union. Hers is

[Stephen Flynn]

the sort of voice we need to hear at this moment in time—the voices of reasonable Unionists about where they seek to go. If this is a Union of equals, as it is portrayed, and if Scotland's Parliament is to be the most powerful devolved legislature in the world, as we are often told it is, then why is the section 35 order being used?

Drew Hendry: I am grateful to my hon. Friend for giving way once again. He is talking about reasonable Unionists and said he could not see any on the Labour Benches. However, there are reasonable Unionists who have been on those Benches. Would he be interested in the words of Ged Killen, the former Labour MP, who said:

“The idea that one man, elected by 22,000 people, can overturn devolved legislation brought in by the Scottish Parliament and supported by the vast majority of our MSPs is outrageous and will surely not stand up in court.”

Stephen Flynn: Indeed, that is very much the case.

While I am on the point about reasonable Unionists, I want to reflect on the words of Donald Dewar in relation to the Scottish Parliament, because that is, after all, what we are talking about. He said:

“Walter Scott wrote that only a man with soul so dead could have no sense, no feel of his native land. For me, for any Scot, today is a proud moment; a new stage on a journey begun long ago and which has no end. This is a proud day for all of us. A Scottish Parliament. Not an end: a means to greater ends. And those too are part of our mace. Woven into its symbolic thistles are these four words: ‘Wisdom. Justice. Compassion. Integrity.’”

Wisdom, justice, compassion and integrity: each of those words is reflected in the legislation brought forward in the Scottish Parliament. That is why it received overwhelming support from Scottish parliamentarians; it is why Members from each and every party in the Scottish Parliament voted in favour of it; and it is why it is so important that we stand up for Scotland's Parliament, stand up for Scotland's democracy and ensure that the people of Scotland's views are heard in this place.

I sincerely hope—I say this to him in all sincerity—that the Secretary of State will reflect on the damage that he seeks to do to his own Union in this regard. I hope that he makes a volte-face, shows that he does respect Scotland's democracy and allows the legislation to pass as it should.

3.56 pm

The Parliamentary Under-Secretary of State for Scotland (John Lamont): A short time ago, the Secretary of State for Scotland made a statement to the House regarding the Government's decision to exercise a power under section 35 of the Scotland Act 1998 with regard to the Gender Recognition Reform (Scotland) Bill. For the benefit of Members who were not present at that statement, I shall summarise what action this Government are taking and why.

Today, the Secretary of State is making an order under section 35 of the Scotland Act 1998 preventing the Gender Recognition Reform (Scotland) Bill from proceeding to Royal Assent. As the Secretary of State said, this is the first time the power has been exercised, and it is not a decision that has been taken lightly. However, it is a decision based on the legislation's

consequences for the operation of reserved matters across Scotland, England and Wales, including on equality legislation.

The Scottish Government's Bill would introduce a number of changes around gender recognition in Scotland. They include reducing the minimum age at which a person can apply for a gender recognition certificate to 16, and removing the need for a medical diagnosis and evidence of having lived for two years in their acquired gender.

Kirsty Blackman (Aberdeen North) (SNP): On a point of order, Mr Speaker. Is it acceptable for the Minister to read out the statement that has already been made, changing the order of some of the sentences?

Mr Speaker: It is up to the Minister what he wishes to say.

John Lamont: Thank you, Mr Speaker. I will continue.

The Bill would also amend the UK-wide Gender Recognition Act 2004, which legislated for a single gender recognition system across the entirety of the United Kingdom. It is this United Kingdom Government's assessment that the Bill would have a serious adverse impact on, among other things, the operation of the Equality Act 2010. The effects would include impacts on the operation of single-sex clubs, associations and schools, and on protections such as equal pay. There are also significant complications from having different gender recognition regimes in the UK and a danger of allowing more fraudulent or bad-faith applications.

Mr Alistair Carmichael (Orkney and Shetland) (LD): If the Minister has regard to paragraph 15 in what purports to be the statement of reasons, he will see that it states:

“It is practically and legally undesirable for all, including in particular the individual holder of the GRC, that a person will have one legal sex in Scotland and a different one in England, Wales and Northern Ireland.”

Is he satisfied that this test of practicality and legal desirability or undesirability is sufficient to meet the tests set out in section 35?

John Lamont: We do have concerns. We believe that the creation of the two different processes for legal gender recognition in different parts of the UK will cause complications, which is why we have taken this action. If the right hon. Member does not agree with that assessment—if he disagrees with the reasons set out in our reasons paper—there is the opportunity to pray against the order, the opportunity to vote it down, and the opportunity of a judicial review of the decision-making process. Other options are open to the right hon. Member, enabling him to raise his concerns. The Government have taken their decision on the basis of the legal advice we have received, and we stand by that decision. The Secretary of State stands by that decision, and if Opposition Members disagree, they too have other options if they wish to challenge it.

I believe, and this Government believe, that transgender people deserve our respect, support and understanding. We have a long-established, world-leading equality framework that protects everyone, including transgender people, from discrimination, harassment and victimisation, and advances equality of opportunity for all. The section 35 power has always been part of the architecture of the

devolution settlement because it is an integral part of the Scotland Act, which, as we have already heard, was supported at the time by all parties in the House. It provides a sensible measure to ensure that devolved legislation does not have adverse effects on reserved matters, including equalities legislation. As the Secretary of State has said, it is open to the Scottish Government to bring back an amended Bill for reconsideration in the Scottish Parliament that would deal with the concerns raised by this Government and many others about the impact this legislation would have.

Ian Blackford (Ross, Skye and Lochaber) (SNP): The Minister has given it away: the Government have concerns. Well, there we have it. The Conservatives had their objections voted down in the Scottish Parliament, so the Minister is using the device of section 35. The statement of reasons is not worth the paper it is written on. The Minister knows that he can use his parliamentary majority in any praying motion to strike down an Act of the Scottish Parliament. What price Scottish democracy? What price the right of the Scottish Parliament to enact legislation based on the majority in that Parliament, based on a mandate given by the people of Scotland, which this Government are going to throw away because this Government and this Parliament know better? A Union of equals, Madam Deputy Speaker? You have to be joking.

John Lamont: As I have made clear repeatedly, it was always intended that at moments such as this, when unintended consequences of legislation being passed by the Scottish Parliament would have an impact across the United Kingdom, section 35 of the Scotland Act would give us the opportunity to act in this way. The letter from the Secretary of State to the First Minister is clear about the amendments that can be made to the Bill to allow it to be approved by the Scottish Parliament and to meet the concerns about the impact it will have on other parts of the UK. We want very much to work with the Scottish Government constructively to secure those amendments so that legislation that meets our concerns can be passed, and we hope that the First Minister and the Scottish Government will bring back the amended Bill for reconsideration by the Scottish Parliament.

I hope that Opposition Members will acknowledge that the United Kingdom Government have set out their desire to work with the Scottish Government to find a constructive way in which to amend this Bill so that it can be passed by the Scottish Government and given Royal Assent.

Madam Deputy Speaker (Dame Rosie Winterton): I call the shadow Secretary of State.

4.3 pm

Ian Murray (Edinburgh South) (Lab): I think that the time the Minister took to respond to the motion shows that the Government do not have much to say about this particular issue—or perhaps the Minister did not get the statement of reasons either, in relation to what the Government were actually proposing.

May I begin by restating, once again, that this Labour party is the party of devolution and the party of equality? It will not be lost on many that all the Acts we are discussing today—the Scotland Act 1998, the Equality

Act 2010 and the Gender Recognition Act 2004—were Labour Bills that we introduced for the advancement of devolution and equality in this country. It is difficult to conclude anything other than that today's debate is about two Governments who are incapable of working together.

I have read, or skimmed, the 13 pages of reasons—the farce that we have had trying to get these reasons today is part of this debate—and when I got to the end, my initial reaction was, “What are the Government going to do about it?” They cannot just bring an unprecedented section 35 order to this House and lay out reasons, then get to the end of those reasons and decide what to do about it. As we stand here today, the Gender Recognition Reform (Scotland) Bill is dead unless both Governments can come together and resolve the perceived issues, or otherwise.

Sir Chris Bryant: I wonder whether my hon. Friend has looked at paragraph 3. The Minister, who was not taking interventions earlier, suggested that all the Scottish Government had to do was bring forward a Bill with amendments, but as far as I can see they would have to come forward with a Bill that did not have anything in it. Is not that the only Bill that the Westminster Government would accept, if we go by the amendments suggested in paragraph 3?

Ian Murray: That is where we get to the crux of this process. My hon. Friend the Member for Rhondda (Sir Chris Bryant) made a similar point earlier about wanting to make sure that trans rights and women's rights were protected in this country, and about doing it properly. This is certainly not the way to do it. We will now have a process whereby the First Minister and the Scottish Government will take the UK Government to court on the basis of these reasons and the unseen legal advice, and the courts will have to decide whether the reasons that the UK Government have put forward are legitimate and reasonable in terms of the bar they have to reach—namely, that there would be adverse consequences for reserved legislation. I think that at the end of that process the courts will have to resolve these arguments because both Governments are unwilling to do so together.

Dr Whitford: Is the shadow Minister concerned, as I am, that although gender recognition is devolved, half of the blather in here is that it conflicts with the Gender Recognition Act 2004? The whole point of devolution is that we can change legislation in Scotland in a devolved policy area.

Ian Murray: That is a very helpful intervention, because paragraph 14, on the first category of adverse effects, talks about different regimes across the United Kingdom. That, to me, suggests that the Government do not want this to be devolved. There are other devolved issues, such as abortion, that would have cross-border implications. But I would also gently say in response to the hon. Lady that Donald Dewar designed section 35 for the very question that she has just asked—[*Interruption.*] I hope she will not mind me repeating that he did not envisage all the issues that would come through. Devolution was always a journey for the Labour party and it will continue to be so. The key point was that section 35 was put there to enable the Scottish Parliament to legislate in devolved areas that might have an impact on the rest of the UK, but that it was to be used only as a last

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resort when there might be a conflict. If the first adverse effect is that the Government do not want different circumstances for gender recognition certificates between Scotland and the rest of the UK, surely they are saying that this should not be devolved.

Alan Brown: I agree with a lot of the points the hon. Member is making on devolution. Obviously he has read what we should really be calling the “clutching-at-straws reasons,” rather than the statement of reasons. He mentioned judicial review. I am not a lawyer, but I am sure that, like me, he can read this and see how weak the UK Government’s arguments are. On that basis, and if he believes in the protection of devolution and that Scotland should be able to do things differently, does he not agree with us that the UK Government should drop this action now? The Labour party should be four-square behind the Scottish Parliament on this.

Ian Murray: The point that the hon. Gentleman forgets is that this is going to end up in the courts regardless, because the section 35 order has been brought forward. Anyone who prays against it will get a debate and a vote, but the vote is not going to be won. It has already been said that the Government have a majority of 80, and perhaps a working majority of 100 on this issue. This will therefore have to be settled in the courts. As much as I do not want this constitutional battle to be fought on the backs of trans people’s and women’s rights, it would be good if the courts did settle these issues because maybe we could then move on with substance and do what is right by trans people and equality in this country.

Mr Carmichael: Paragraph 20 of the purported statement of reasons says that one of the barriers that would be encountered is existing IT infrastructure. Has the hon. Gentleman ever come across a case in which, apparently, the law has to be designed to fit IT infrastructure, rather than IT infrastructure being designed to fit the law?

Ian Murray: The right hon. Gentleman makes a valuable intervention. I am getting all the questions on the adverse effects, but this is a Government document. What we have missed in the debate over the past few months is that people in this country currently have gender recognition certificates under a different process, and the IT systems have to deal with that. How a person gets a gender recognition certificate is the argument here, not how they are implemented, because we implement them already.

Sir Chris Bryant: On how people get a gender recognition certificate, the key thing is that we should take the suggestion that it is a pathology out of the process. I do not want it to feel like we are treating trans people as if they have a pathological condition. Is that not the key thing we need to change?

Ian Murray: Yes, I agree. That should be part of this argument. We should be taking pathology out of the process, as this is not a medical disorder.

I wish we were having a debate about all these things, as we should be, rather than having a constitutional debate between two Governments who want not to resolve these issues but to fight about them in different ways.

Dave Doogan: The shadow Minister seeks to cast this conflict or tension—whatever we want to call it—as being between two Governments. In fact, depending on how the Labour party decides to act, the conflict and tension are between two Parliaments. There is cross-party support for this Bill in the Scottish Parliament, from the Liberal Democrats, the Greens, the SNP and the Scottish Labour party, whereas in this House it is simply the Conservatives who are standing in the way. Can he advise on how the Labour party will move on this?

Ian Murray: The hon. Gentleman is fundamentally wrong. What we are dealing with today is a debate between the UK Government and the Scottish Government—[*Interruption.*] This is in the Scotland Act 1998, and it has to be resolved by the two Governments. If SNP Members want the Labour party to resolve this, we are happy to take the seats of Government either in the Scottish Parliament or here, but it has to be resolved by the UK Government and the Scottish Government. That is the black and white of this issue.

Steven Bonnar (Coatbridge, Chryston and Bellshill) (SNP): There is no Scottish Labour party.

Kirsten Oswald: Will the hon. Gentleman give way?

Ian Murray: I will give way to the hon. Lady while the hon. Member for Coatbridge, Chryston and Bellshill (Steven Bonnar) chunters nonsense in the background.

Kirsten Oswald: I am interested in how the hon. Gentleman characterises some of what we have heard today, but if he thinks that the Labour party has no role in this, and if he does not think the Labour party ought to have a view or an opinion, or to take a position, he needs to make that clear, because his colleagues in the Scottish Parliament do have a view. They voted for these provisions, as did SNP, Liberal Democrat and some Scottish Conservative Members. He should stop being disingenuous and be clear. Where does the Labour party stand? Will it defend the right of the Scottish Parliament to act or not?

Ian Murray: I will tell the hon. Lady exactly where we stand: we want this legislation to work. At the moment, the legislation is dead because—

Kirsten Oswald: Because of them.

Ian Murray: The hon. Lady might say that from a sedentary position, but the hon. Member for Aberdeen South (Stephen Flynn) quoted Donald Dewar at great length. Donald Dewar will be turning in his grave at what is happening in relation to devolution and Scottish politics, because he created the section 35 process for the very reasons the hon. Lady just said. Section 35 is a process to enable cross-border problems to be resolved.

Angela Crawley: Will the hon. Gentleman give way?

Ian Murray: Let me finish my point.

The Government have come forward with 13 pages that they think show that the Bill adversely affects UK-wide legislation. I think the statement of reasons is thin, although I have not had a chance to read it all the way through. [*Interruption.*] It might be rubbish, but

people have concerns that we have to alleviate. We have to bring people with us. What the SNP has forgotten about this entire process—Labour is very experienced at this because we do it all the time—is that when a Government are passing major equalities legislation they have to bring people with them. If that means they have to get people around the table—[*Interruption.*] Should you not have to bring people with you? If people raise concerns, you should just dismiss them? [*Interruption.*] No, this is me saying it. Equalities legislation is difficult and you have to bring people with you. These adverse effects might be “rubbish”—as I have said, at an initial glance I think they are pretty weak and flimsy—but the courts will have to decide whether they like this or not, because that is where this is going. The Scottish Parliament has the right to pass this legislation, because this is devolved, but the Scotland Act, protecting the Scottish Parliament, also contains a mechanism, written by Donald Dewar, to ensure that if there are cross-border concerns, those are dealt with. That is the way it is in this particular process.

Sir Bernard Jenkin: Will the hon. Gentleman give way?

Ian Murray: I have not even gone through the first bit of my speech, but I will give way to the hon. Gentleman if he will apologise for saying that we were “weasels”. I hope that he has gone back and read my speech, which is not what I said during my contribution on the statement.

Sir Bernard Jenkin: With the greatest respect, what I am hearing from the hon. Gentleman now is that he supports neither the position of the Scottish Parliament nor the position of the Government. He says that we need to win public support, but how much of that has the Labour party got in Scotland? Is this not the problem he has to face: leaving himself with nowhere to stand in Scottish politics and falling between stools, he is hardly standing up for the devolution settlement, which he should be so proud that Donald Dewar established?

Ian Murray: Obviously, the hon. Gentleman did not listen to my contribution during the statement and has not listened to my contribution since. I have no idea which debate he is listening to, but it is certainly not the one I am participating in at this moment.

The bottom line here—this is the undeniable fact, whether we like it or not—is that the only way to resolve this today would be for both Governments to come together to try to find an accommodation. I am surprised that they have not done so, as this has been on the cards since 2016 and all we are getting now is a statement of adverse effects one day—24 hours—before the expiry period for Royal Assent for the Bill. The Government are coming in at the eleventh hour with a section 35, with 13 pages of adverse effects that have not been communicated or worked on with the Scottish Government before. I am not involved in detailed discussions at ministerial level, although perhaps the Labour party will be at some future point, but perhaps it takes two to tango in these discussions. If the SNP genuinely wants this legislation to be passed and the Government genuinely want to see whether any adverse effects could affect residents in England, Wales and Northern Ireland, is it not incumbent on both Governments to get together to do everything they can to resolve this? That would

allow us to get this on the statute book; section 35 could be removed and the Bill could go for Royal Assent, as was supposed to have happened some time ago.

That is the grim reality in Scottish politics the moment. It happened with the children’s rights Bill, which the UK Government challenged through the Supreme Court, which said that certain aspects had overreached under section 33 of the Scotland Act—that was another section that Donald Dewar wrote in to protect devolution. The Scottish Government were asked to remove those aspects from the Bill in order to get Royal Assent, and two and a half years later nothing has been done. That just shows that we are in political paralysis in Scotland at the moment, where nobody can do anything because it is turned into a political football about the constitution, and the trans community and others are sitting there in disbelief today that this cannot proceed.

Several hon. Members rose—

Ian Murray: Let me make some progress. I wanted, because of accusations that have been made, just to go through a little of the Scottish Labour party’s response to the Bill in the Scottish Parliament. We had a multitude of concerns about the initial Bill. Nobody could have said that the Bill that was presented in draft to the Scottish Parliament was in any way fit to become final legislation, but we worked constructively with the legislation, with the UN rapporteur for women and girls, with the LGBTQ+ community and with women’s groups, which were raising concerns about the Bill. We tabled amendments. We got the Equality Act on to the face of the Bill, which is referred to in a lot of the adverse effects in the Government’s document. We made many other amendments to that Bill to help alleviate concerns, but, unfortunately, the only way we are going to settle these arguments now is through the courts.

Douglas Ross: I am grateful to the shadow Scottish Secretary of State for giving way. The leader of the UK Labour party said at the weekend that he had serious concerns about reducing the age from 18 to 16. However, when my Scottish Conservative colleague, Rachael Hamilton, moved an amendment to keep the age at 18 rather than reducing it to 16, Labour MSPs joined the SNP to vote the amendment down. What is the shadow Secretary of State’s position on the age limit in Scotland?

Ian Murray: We put in protections on the age limit in Scotland. We have the leader of the SNP at Westminster accusing the Scottish Labour party and the UK Labour party of different positions on this. There is nothing between the positions, but we should have devolution at the same time. The leader of the UK Labour party has made his position perfectly clear, and Anas Sarwar, the leader of the Scottish Labour party, and his team put in significant protections for 16 and 17-year-olds, including the notary public measure, which means that a person has to swear in front of a notary public for this to take effect and they have to get a responsible adult over the age of 18 to be able to do any of this under the age of 18.

Essentially, the hon. Gentleman is challenging people not to have different views on this, but two of his Front-Bench MSPs voted for the legislation. People are entitled to have slightly different views on what is an incredibly important subject. He has managed to do

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only one thing in the past week, which was not to get both Governments together to try to resolve this, but to write to me to ask my position on the Bill. I would rather that the two Governments came together. *[Interruption.]* We want the Bill passed and we want section 35 resolved; it is as simple and as straightforward as that. It has been our position for some time that we should modernise the GRA. That position has been eloquently expressed by my hon. Friend the Member for Rhondda, and it is still the one that we hold.

My right hon. Friend the Member for Leeds Central (Hilary Benn) made the crucial point—and this goes back to an earlier intervention—that gender recognition certificates can already be issued under the Equality Act. As we sit here today, single-sex spaces are protected by exemptions under the Equality Act. The adverse reasons that the Government are giving us on that are not about the process of getting a GRC, but about the process that is currently already in place. The Government are all over the place on this, and it is little wonder that the only result is to fan the flames for people who wish to break up the United Kingdom.

Lloyd Russell-Moyle (Brighton, Kemptown) (Lab/Co-op): Is it not right that, in the passing of the Equality Act 2010, it was noted then that the GRA needed to be reformed and depathologised? The party that came in straight after the passing of that Act—the party currently in Government—has spent 12 and a bit years twiddling its thumbs and fanning the flames of fear and hatred, and then, when one Parliament of this United Kingdom takes decisive action, rather than stepping up and working to resolve the issue, the party has constructed a constitutional crisis that will benefit its voting.

Ian Murray: That is what I have been saying. We desperately want the legislation to pass, but we also desperately want to make sure that the issues raised under section 35 are resolved. There are only two ways to do that: either through the courts, which is where I think this is heading, or through the Governments getting together. We do not have the power to make either of those things happen.

Opinion polling shows that the overwhelming majority of people in Scotland just want their two Governments to work closely together in the interests of the country, and, on this particular issue, in the interests of equality. Let me say to both Governments that these issues are not irresolvable. We can create an environment where protections exist for women at the same time as strengthening the rights for trans people. We can create a legal framework where GRCs issued in Scotland are entirely compatible with the UK-wide equality legislation. We can have a country where both the Scottish and UK Governments act like grown-ups, get round the table and resolve these issues. That is what used to happen. That is the way that Donald Dewar designed the legislation that this Government are now implementing. We need genuinely constructive discussions between the two Governments. Let us lock them in a room and not let them out until they find a solution. I can assure Members that there is a way through this, but both Governments are unwilling to take it.

Several hon. Members *rose*—

Madam Deputy Speaker (Dame Rosie Winterton): Order. Before I call the next speaker, I point out that this debate has to finish by 5.27 pm, so I am introducing a time limit. I will start with five minutes, but it will go down after that if necessary.

4.24 pm

Douglas Ross (Moray) (Con): I speak in this debate as someone who is extremely privileged to serve in both this Parliament and the Scottish Parliament, so I am able to bring some points of view that were not accurately articulated by the leader of the SNP, the hon. Member for Aberdeen South (Stephen Flynn). It is sad that he is leaving the Chamber—I think it is important, because I will refer to a number of points he made.

The hon. Gentleman spoke about legal advice. We had a situation in the Scottish Parliament where, the night before crucial amendments were debated, the Cabinet Secretary wrote to Conservative, Labour and SNP MSPs about their amendments and the legal advice surrounding them, but told them that that legal advice could not be shared. Yet here we have the UK Government sharing their statement of reasons with Parliament, and I think that is—*[Interruption.]* Well, it is based on legal advice. I am just showing the different approach by the two Governments. It is based on legal advice; that was clear from the Scottish Secretary.

It is also important to recall that, although the SNP leader in this place and others have correctly said that this debate has been raging in Scotland for over six years, I have not yet heard—I am willing to take interventions from any SNP Member who can explain it to me—why the Bill had to be passed by December of last year. What was the rush, in the lead-up to Christmas, that meant it had to go through the Scottish Parliament before the end of the year?

Kirsten Oswald: I am delighted to remind the hon. Gentleman that, as we have heard a few times today, the Bill is the opposite of rushed legislation. It has been in the works for six years, it has repeatedly been a manifesto commitment from a number of parties and it has been the most consulted-on legislation. He might reasonably ask why it took as long as it did.

Douglas Ross: The hon. Lady misses the point. Yes, there has been a debate for six years, so why then did the Bill have to go through stage 3, looking at amendments until midnight or 1.30 in the morning, to be rushed through before the end of the Session, when there was so much debate and controversy? Remember, there were 150 amendments; if that legislation had not been rushed, there would not have been a need to look at 150 amendments. I have yet to hear any SNP Member saying why the Bill had to be put through in December of last year.

Amy Callaghan (East Dunbartonshire) (SNP): Does the hon. Gentleman not recall that the debate in the Scottish Parliament went on until those hours and votes occurred at those hours because of his stalling?

Douglas Ross: I was not stalling. Indeed—*[Interruption.]* Well, I am sorry, but some people might say that the 12 or 15 points of order that we had earlier from SNP Members were stalling. I do not believe that; I believe they were politicians making a point in Parliament,

just as, in the Scottish Parliament, we were looking at 150 amendments because the SNP had rushed this Bill through.

Ian Blackford: The hon. Gentleman brings up the 150 amendments, but that is the point: effective scrutiny took place. He and his colleagues and other parties tabled those amendments and they were looked at in the correct manner, and of course the Scottish Parliament had to take time to do that. We should be proud of that.

Douglas Ross: And I am—that is why I wanted that debate. That is why I am asking why we could not we have continued that debate into the new year. What was the big issue that caused the SNP and the Greens to force the Bill through by the end of the year?

I have a couple more points to make on the process in the Scottish Parliament. The leader of the SNP refused to even acknowledge that, while there are Members of all parties who supported the Bill, there were a significant number of SNP opponents to it. SNP Ministers resigned in Scotland as a result of this legislation.

Alan Brown: Will the hon. Gentleman give way?

Douglas Ross: I will give way in a moment. I gave my MSPs a free vote, and I think it was right that they were given that opportunity. In fairness, one of our former colleagues in this place, Michelle Thomson, who is now an SNP MSP, spoke about the “dark arts” of the Whips within her party who were trying to stop debate—*[Interruption.]* No, no; this was Michelle Thomson, who used to be an SNP MP. She was speaking about the dark arts of her Whips in this debate, so I am interested to know about the SNP MPs who oppose this legislation. I am not sure whether any of them are in the Chamber today, but I am sure the hon. Member for Kilmarnock and Loudoun (Alan Brown) will tell me that there are SNP MPs who oppose his Government’s Gender Recognition Reform (Scotland) Bill.

Alan Brown: I do not beg to speak for the rest of my colleagues. It is a matter of record that some SNP MSPs voted against the GRR—that happened—but the point of democracy is that it was the will of the Scottish Parliament as a whole, and the hon. Gentleman and his Government are trying to thwart it.

Douglas Ross: No, we are not, and I will explain that in a moment.

The hon. Member for Aberdeen South, who leads the SNP here, spoke about the Government taking a view on the Equality Act. I can only assume that he is unaware of the letter from the Equality and Human Rights Commission to Shona Robison, the SNP Minister who led on the Bill, dated 21 September of last year—long before the Bill came back to the Scottish Parliament. It said that there were potential cross-border implications. Indeed, the commission said:

“In our view, there are implications for the operation of the Equality Act 2010”.

It is not the Conservatives or the UK Government saying that, but the Equality and Human Rights Commission. It made that very clear to the Scottish Government and to the SNP.

Christine Jardine (Edinburgh West) (LD) *rose—*

Douglas Ross: I have two minutes left and a lot to get through, so I apologise to the hon. Lady for not giving way. I would have liked to hear from her, as a Liberal Democrat MP, because it seems that, both in Holyrood and here, the Liberal Democrats and Labour are supporting Nicola Sturgeon and the SNP on this.

I worry that the Scottish Government are treating the issue in the same way that they treated children and young people in passing the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill. We were told then that it was absolutely essential legislation. The Scottish Government then legislated under the competencies of the UK Government, and the UK Government took the Scottish Government to court. That was controversial at the time. Nicola Sturgeon said it was an “absolute outrage”. Yet after the Supreme Court ruling on 6 October 2021, which said that the legislation was flawed, the legislation went back to the Scottish Government and the Scottish Parliament.

What has happened since 6 October 2021? Well, let me tell the House. On 1 February 2022, the Deputy First Minister of Scotland, John Swinney, wrote to the Secretary of State for Scotland and said that the Scottish Government were looking to reintroduce the amended legislation to the Scottish Parliament. Given how important the UNCRC was to SNP Members and the SNP Government, can any SNP MP tell me when that Bill will be reintroduced to the Scottish Parliament?

Dr Whitford *rose—*

Douglas Ross: I will give way to the hon. Lady if she can tell me.

Dr Whitford: I am not sure whether the hon. Gentleman is aware, but over the last two and a half years there has been this thing called the covid pandemic, which kept several Governments fairly busy.

Douglas Ross: Perhaps the hon. Lady did not hear me. I said that there was a letter from the Deputy First Minister on 1 February 2022—almost a year ago. We had passed omicron by then, and John Swinney was telling us that he would reintroduce the legislation. This is another example of the SNP—the Deputy First Minister—using legislation and vulnerable people to promote a battle between the UK Government and the Scottish Government. We can do far, far better than that.

Several hon. Members *rose—*

Madam Deputy Speaker (Dame Rosie Winterton): Order. After the next speaker, I will drop the time limit to four minutes. I have absolutely no problem with colleagues taking interventions, but please remember that it leaves less time for others to speak. I call Ian Blackford.

4.32 pm

Ian Blackford (Ross, Skye and Lochaber) (SNP): It is a pleasure to follow my highland colleague, the hon. Member for Moray (Douglas Ross).

We have heard a lot about the passage of the Scotland Act 1998. It is probably worth reflecting on the fact that the Scottish Parliament has been in existence only

[Ian Blackford]

since 1999. It is a very different Parliament from the one we have here, and it is elected under a very different system. The list system means that it is difficult for a party to achieve an overall majority. There have been seven elections to our Parliament, and although the SNP has been in government for the last four, we have had a majority in only one. To answer some of the comments made by my friend, the hon. Member for Edinburgh South (Ian Murray), the SNP Government have always had to try reaching a compromise and a consensus with other parties.

It is worth reflecting on how much the Scottish Parliament has done, working across parties, on the subject of equalities over those 23 years. We can be proud of the journey that Scotland has been on. And, my goodness, can we be proud of the Bill passed just before Christmas to give equality to trans people. That is really something that should gladden the hearts of us all. Members will recall what happened in that vote just before Christmas. MSPs from all parties voted for the legislation—a substantial majority of the Scottish Parliament. Of course, those parties were, in the main, elected with manifesto commitments to deliver that legislation. As has been referred to, that debate took place over a six-year period. We hear people talking about that legislation being rushed—my goodness.

There is an important principle here. Members know that the SNP has been here in substantial numbers since 2015. If I think back on everything that has gone on since that period and everything that has happened since the 2014 referendum, I remember that we have repeatedly been told that this is a family of nations, that Scotland was to lead the United Kingdom and that Scotland's Parliament was to be respected. How many times have we been here and seen legislation passed without the consent of the Scottish Parliament, throwing away the Sewel convention that is supposed to protect the rights of the Scottish Parliament to give consent in devolved areas? We have seen it so many times. We have seen it with the European Union (Withdrawal) Act 2018, the United Kingdom Internal Market Act 2020, and the legislation we are debating tomorrow on EU laws. We saw the biggest disgrace yesterday over the issue of strikes.

Alun Cairns (Vale of Glamorgan) (Con): Will the right hon. Gentleman give way?

Ian Blackford: Let me make some progress, then I will. We also need to think about what is happening here. This Bill has been passed by the Scottish Parliament, which has legislative powers and legitimacy. The Secretary of State is using powers given to him under the Scotland Act 1998 to strike down a Bill of the Scottish Parliament. And why is he doing that? Because of what is on this scrap of paper. It is simply not worth the paper it is written on. This is not about interfering with the powers of the UK Government or with legislation passed by the UK Government; this is simply about interfering with the Scottish Parliament. It makes the point to everybody back in Scotland that our Parliament has been under attack ever since 2015 and the SNP group's presence here in such numbers. This is just the latest example.

The UK Government could have gone to court if they wanted, but they are using this legislation and the powers of the Secretary of State—a man who will

disappear from this Chamber and end up in the unelected House of Lords—to stop and strike down a Bill of the Scottish Parliament that has been passed by a majority of MSPs. The UK Government are striking down a Bill that has the support of Members of every political party. What a disgrace. The message to the people of Scotland is this: if you want to stop the Secretary of State for Scotland interfering in our Parliament and you want to stop the UK Parliament denying our rights and our democracy, then friends, come with us and complete the journey. Scotland must become an independent nation.

4.37 pm

Sir Peter Bottomley (Worthing West) (Con): It is a pleasure to listen to the former parliamentary leader of the SNP, the right hon. Member for Ross, Skye and Lochaber (Ian Blackford). He at least did spend a bit more time on section 33 than his successor, the hon. Member for Aberdeen South (Stephen Flynn) did.

It is certainly true that there are three ways the UK Government can approach this Scottish Bill. One is to say that it is deeply unpopular with many people in Scotland, do nothing about it and let the SNP take the political flak, which would probably reduce the number of SNP Members of the Scottish Parliament and SNP Members in the UK Parliament at future elections. For some people, that would be the political way forward.

The better way forward, if there is something substantial in the problems that this Bill may create for the UK Equality Act 2010, is to take action under section 33 or section 35 of the Scotland Act.

The Government had a choice, and they have chosen to go with section 35, and I think that is the right choice. The right hon. Member for Ross, Skye and Lochaber refers to what has happened since 2015, and I remind him that in 2017 the SNP got 37% of the vote in Scotland and the Conservatives got 44% of the vote in the country as a whole.

We will see how this matter works out. The best way forward, if I may give advice to everybody, is to follow the suggestion from the Secretary of State to the First Minister that the Governments get together and work out how to have a gender recognition Bill in Scotland that is obviously compatible with the Equality Act, so that women do not feel they are losing any kind of their security in any way whatever. I commend that to the House.

4.39 pm

Kirsten Oswald (East Renfrewshire) (SNP): This is a dark day for democracy. It is shameful that the UK Parliament and the so-called Secretary of State for Scotland, whom I note is no longer in his place, would seek to overrule and override the democratically elected representatives who people in Scotland have sent to our national Parliament. That shows contempt for the Scottish Parliament and its ability to pass legislation in its areas of competence. It is no exaggeration to call it out for what it is: a politically motivated assault on our democratic processes and institutions by a right-wing Tory party with no compunction to use one of the most marginalised groups in our society to achieve its aims.

We must remember what this is all about: simplifying the process for people applying for a gender recognition certificate. That is all. It does not change the effect of a

gender recognition certificate, which remains the same as under the Gender Recognition Act 2004. It seeks only to improve and simplify the process by which a trans person can apply for legal recognition of their acquired gender. That right has been in place for 18 years. The Bill represents an important step to creating a more equal and fair Scotland where LGBT people are valued, included and empowered. I am proud that the Scottish Parliament voted for that.

Let us be clear: the Gender Recognition Reform (Scotland) Bill was passed overwhelmingly by the Scottish Parliament and Members from all parties, including the Tory party, and with the overwhelming support of SNP, Labour, Green and Liberal Democrat MSPs. All those parties represented in Holyrood—apart from the Tories—had committed in their manifestoes to improving gender recognition laws. As we have spoken about, the provisions are the most widely consulted upon in the history of Parliament.

As well as the broad and wide-ranging consultation, the Scottish Parliament's Equalities, Human Rights and Civil Justice Committee heard from the leader of the Irish Seanad about experiences with similar legislation there. And it is not only Ireland. We have heard today that such measures are in place increasingly in countries across the world. This is not groundbreaking stuff. It is inconceivable that there is good reason for us to argue about it. We have heard about all the conversations, the amendments and how the Bill passed through Parliament. Any examination shows that there has been a detailed and thorough process leading up to a clear decision. All that was within the competence of the Scottish Parliament, so why the UK Government—no friend of human rights in any guise—want to step in on this issue that affects a marginalised group so much is a mystery.

The Secretary of State for Scotland may have a different view from me on a gender recognition reform. That is his right, just as my views are my right. What should not be his right as one man—the soon-to-be Baron Jack—is to step forward and override the democratic voice of the Scottish Parliament, throwing his weight around just because he can. I have read the statement of reasons and I still cannot fathom the basis for this measure.

Whether on the constitutional or the gender issue, the coats of the Secretary of State and the Government are on a shoogly peg. Let us think about what the Tory Reform Group has said. The Chair of the Women and Equalities Committee has pointed out that the Bill does not cut across equalities legislation, and let us also think about what Andy Maciver has said. All of those people have made points that should be listened to. Fundamental to all that is the democratic point: the Scottish Parliament has voted for these measures and it is its right to do so.

4.43 pm

Alun Cairns (Vale of Glamorgan) (Con): I rise to contribute to this debate as a passionate Unionist, like many Members on the Government Benches. I am concerned about any legislation that could undermine the settlement in the Union of the United Kingdom. I say that as a former Secretary of State who took a devolution Bill through Parliament and was in the Cabinet when the last Scotland Act 2016 went through

Parliament. Having served in a devolved Administration, I understand the genuine objectives and support that the devolved Administrations hold.

The principle of one legislature intervening on another legislature could be a dangerous precedent. My starting point would be to have sympathy with what the Scottish nationalists are claiming and doing, and to understand the points of some of them that it could be a dangerous precedent. But section 35 is not about gender recognition and all the sensitivities that are associated with that. This is about the process of good lawmaking, providing clarity and providing satisfaction under the Equality Act 2010. That is something we should all be concerned about because of the people who would make use of the Equality Act due to their vulnerability and the appalling way in which some of them will have been dealt with previously.

The synthetic anger that comes from the SNP Benches troubles me. The reality is that the SNP often refers to the courts in order to clarify the devolved settlement, and that is fine and in order and provides ultimate clarity. We all know that this section 35 order will still end up in the courts, so why is there so much synthetic anger around that? That will provide clarity on this. If they have so much confidence in waving the statement of reasons around and saying it is worthless, that will be the finding in the court.

Let us concentrate on the process of good lawmaking, where one legislature has respect for the other. If there is a genuine concern, the SNP should respond to the invitation made by the Secretary of State, so that the leaders of both legislatures can get together to debate, discuss and seek to deliver a positive outcome. This is about the outcomes, not the synthetic anger and noises from SNP Members.

I turn to the Labour party. I am sorry that the shadow Secretary of State, the hon. Member for Edinburgh South (Ian Murray), is not in his place, because I am really disappointed by the approach that the Labour party is taking on this. It has been criticised and called different names, and legitimately so; I say that with no gratification or pleasure. I thought the Labour party was a Unionist party and would want the law to be respected and section 35 to be used for the very reason that it lays down, but the shadow Secretary of State sought to manufacture all sorts of nonsense around this debate, rather than recognising the legitimate concerns that exist. Surely the Labour party wants to see a good lawmaking process. There is a time when process and principle matter to secure good legislation and—I say this to those on the Labour Benches—to secure the Union.

4.47 pm

Christine Jardine (Edinburgh West) (LD): It is a pleasure to follow the right hon. Member for Vale of Glamorgan (Alun Cairns), who says he is a Unionist—I have no reason to doubt that, but I assure him that I am as well. I assure all Government Members, including the leader of the Scottish Conservative party, the hon. Member for Moray (Douglas Ross), that my and my party's objection is not to the existence of section 35, which we think is a good check and balance, or to the right of the UK Government to intervene when there is a genuine need. The fact is, however, that this is not the time, it is not the case, and it is not appropriate.

[Christine Jardine]

The Parliament of Scotland considered this very carefully. The hon. Member for Moray talked about the letter that pointed out potential problems with the Bill, but has it occurred to him that in the year—almost—between that letter arriving and the amendments being tabled, every conceivable situation was looked at and taken into account in the legislation passed by the Scottish Parliament? I asked the Secretary of State whether he could point out the section of the Bill that undermines my rights as a woman, my daughter's rights as a woman or the rights of all the women I know and the children I know. He did not do so, but we have been directed to this flimsy, weak apology of a statement of reasons as the supposed justification for the section 35 order. To say it is weak is to flatter it.

Those of us on the Opposition Benches and some who support the Government have looked at this Bill in great detail. Our colleagues in the Scottish Parliament pored over it with a fine-toothed comb and considered 150 amendments. The Bill says that it will always guarantee the primacy of the Equality Act.

The Parliament of Scotland—the elected representatives of the people of Scotland—has made a considered decision on behalf of a very vulnerable section of our society. In doing so, it has made progress towards a society where those people feel respected, honoured and treasured in a way that, perhaps, they did not before. I am grateful to my colleagues in the Scottish Parliament for having done that for my fellow Scots.

I am disappointed that the United Kingdom Government have taken this completely inappropriate opportunity to stage a constitutional confrontation with the Scottish Parliament—and they should be sure that it is with the Scottish Parliament, not the Scottish Government. I ask that they carefully reconsider the damage that they are about to do to the Unionist cause in Scotland if they do not respect the wishes of the Scottish Parliament.

4.50 pm

Miriam Cates (Penistone and Stocksbridge) (Con): I rise to support the Government's decision to use their section 35 powers with regard to the Gender Recognition Reform (Scotland) Bill. As is the case for many other hon. Members, I am afraid that I have not had a chance to read the statement of reasons in full and in detail, so I will focus on a few key areas that are significant.

In paragraph 27, the Government point out that the Bill does not create "sufficient safeguards". They are right to be concerned about "fraudulent and/or malign applications" because of the implications for child safeguarding. This morning, the Education Committee heard from Professor Alexis Jay, who chaired the inquiry into institutional child sexual abuse. It was harrowing to hear the stories of decades of child sexual abuse throughout institutions across the country. One key feature of such abuse is that predators will exploit any loophole that they can find to get access to children, and I am afraid that that is what will happen with the Bill.

We should not be asking how easy it is for someone who is uncomfortable with their sex to obtain a GRC; we should be asking how easy it is for a predator to get access to children. The Bill would make it vastly easier

for a predator to get access to children by changing their gender with an eye to exploiting loopholes to access children and women in particular.

Scott Benton (Blackpool South) (Con): Will my hon. Friend give way?

Miriam Cates: No, because I have only four minutes.

The naivety that the Bill has been written with is astounding and hugely worrying. The reduction of the age limit to 16 is a significant safeguarding risk, because the human brain does not stop developing until about the age of 25. People cannot drive a car when they are 16—in fact, there are an awful lot of things that people are not legally allowed to do when they are 16 because they cannot assess the long-term implications for their welfare. Changing legal gender, with a potential route to long-term changes to fertility, sexual function and health, is not suitable for 16-year-olds and is a huge safeguarding risk.

Paragraphs 30 and 48 mention membership on the grounds of sex and single-sex spaces. Sex Matters recently did a report that looked at the impact on single-sex spaces of men's ability to access them by changing their gender. Women say, "I never went back to that swimming pool," or, "I never went back to that counselling class," because for many of them, the dignity of having a women-only space and knowing that there will be no men there is important. We will see a chilling effect on important single-sex rights if the Bill passes. As a woman, I fully understand the threats to dignity and safety that the Bill poses, because it will change the social contract. In this country, we recognise that in toilets, changing rooms and public spaces, there are areas where only women are allowed.

In a restaurant recently, I had an experience where a man dressed as a woman walked into the toilets where I was on my own. He stood behind me and stared at me in the mirror, looking me in the eye. I have no idea whether he intended me any harm, but my evolved instinct as a woman was to be frightened, because unlike in almost any other species, women are far less powerful than men and we cannot defend ourselves. [Interruption.] No, it is a fact. The difference in strength between men and women is phenomenal, which is why we have separate sex categories for sport. Women are evolved to be wary of men in intimate spaces, which is why we have single-sex spaces and why they must continue to exist for the safety and privacy of women. The Bill threatens that social contract.

Finally, this threatens the understanding of our law, which should be based on fact, and someone cannot change their sex any more than they can change their place of birth or who their parents are. I fully understand the complex arguments involved and we should treat this with compassion, but if the law is not based on fact, then how can we trust the law? That is why the Government are absolutely right to serve this notice.

Madam Deputy Speaker (Dame Rosie Winterton): Order.

4.54 pm

Lloyd Russell-Moyle (Brighton, Kemptown) (Lab/Co-op): Goodness me, that speech was probably one of the worst transphobic dog-whistle speeches I have heard in an awfully long time. Linking the Bill with predators is, frankly, disgusting, and you should be ashamed.

Madam Deputy Speaker: Order. No—calm down!

Miriam Cates: Will the hon. Gentleman give way?

Lloyd Russell-Moyle: No, I will not give way to you, or anyone else. *[Interruption.]* I mean to the hon. Member.

On the substance of this, ignoring that horrible speech we have just heard—

Sir Peter Bottomley: On a point of order, Madam Deputy Speaker. Did you hear anything transphobic in the previous speech?

Madam Deputy Speaker: I have to say to the Father of the House that different Members of this House will interpret speeches in different ways. I suggest that we move on quickly, and I think the hon. Member for Brighton, Kemptown (Lloyd Russell-Moyle) needs to calm down, moderate his language and move on to the substance of the debate, otherwise I will ask him to resume his seat.

Lloyd Russell-Moyle: Thank you, Madam Deputy Speaker. It is difficult when we are talking about these emotional matters.

The reality of this is that this section 35 is the new Tories' section 28. It is their continuation of a war against a group of people—their culture war—that they want to pursue, and they think it will advantage them in the polls. That is what the Australian Conservatives thought as well and what the Republicans in the US thought, but I trust it will not, because the people do not like the bigotry that we hear from the other side.

Alicia Kearns (Rutland and Melton) (Con): Will the hon. Gentleman give way?

Lloyd Russell-Moyle: I will give way, but it is bigotry that we just heard.

Madam Deputy Speaker: Order. Could I just say to the hon. Gentleman that we are very short of time and I hope that, if he takes an intervention, he will stick to the four minutes?

Alicia Kearns: I recognise that the hon. Gentleman feels very strongly about this, but I would ask him to use caution about labelling a party as solely one thing, because it is Conservative party colleagues who led for the conversion therapy ban that has been announced today. When I was elected, no other MP talked about it for seven months, and we have delivered it today. I caution him to please not label all Members on certain sides of the House as transphobic or homophobic, and I also challenge anyone being labelled that in this House.

Lloyd Russell-Moyle: I will say that there are some very honourable Members on all sides of the House, including the Conservative side, who resisted moves from the Government and who, when trans conversion therapy was removed from that ban, pushed for it to get back in, and their work is to be applauded.

What this report says in reality is that there is no amendment this Government would accept or allow to pass. What this flimsy piece of paper indicates is that the only Bill they would accept is the current UK law,

and anything that deviates from it would be blocked. I am afraid that is an undermining of the very concept of devolution. The Government should just be honest, and say that they want to remove the devolved competences in this area from the Scottish Parliament and return them back to Westminster. At least that would be an honest debate, rather than this dog-whistle debate about the safety of children, which, frankly, is not correct.

Of course there will be concerns and of course this Bill will not be perfect—no Bill is perfect—but one of the key principles of my job, and I think of the job of all of us, is not to let the perfect be the enemy of the good. Let us see how this Bill rolls out in Scotland. We could then see the flaws that might come from it, and the Scottish Parliament could have amended it and taken action, because all Bills are living, practical documents.

I say this as a gay man who loves all-male spaces sometimes and finds that the liberation of having such spaces is important—and I am sure that many women feel that the safety of all-women spaces is important to them—but this Bill does not change that law one bit. GRCs exist at the moment, and we already have a system for people to change their passport and their driving licence without a GRC. Going into a toilet, a public facility or a refuge is not contingent on a certificate at all, so all those arguments are bogus, and to continue a bogus argument knowing that it is bogus is, I am afraid, a form of bigotry.

4.59 pm

Craig Mackinlay (South Thanet) (Con): I am rather concerned that the hon. Member for Brighton, Kemptown (Lloyd Russell-Moyle) might have a seizure at the end of my speech, but we will do our best to keep him calm.

I have the words of my hon. Friend the Member for Moray (Douglas Ross) ringing in my ears—that as the Bill was making its way through the Scottish Parliament, politicians received no legal advice such as that we have received today in the form of this good document, which, whether we agree with it or not, is available for analysis. It seems that as the Bill went through the Scottish Parliament, there was no such advice on overtones and issues regarding section 35 or the Equality Act 2010.

I do have issues with the whole concept of this—I am not going to stray into that too much, but I find the provision on the age of 16 scarcely believable. Even in Scotland a 16-year-old cannot drive or buy alcohol or cigarettes.

Christine Jardine: In Scotland a 16-year-old can vote and get married without parental consent—*[Interruption.]* And join the armed forces. I urge the hon. Gentleman to take credence of the actual situation in Scotland.

Craig Mackinlay: I was going to cover the things that people can do at 16. I understand that in education in Scotland, access for the armed forces to encourage a future and a career in the armed forces is actively discouraged, which is taking a lot of people away from credible and superb future employment. In Scotland—I always like to give the sunbed rule—someone cannot even go on a sunbed, and they cannot contract, yet here we are—*[Interruption.]* We all wanted to do lots of things aged 16. I rather wanted a tattoo and an earring, but here I am aged 56, and I am damn pleased I did not

[Craig Mackinlay]

go down that route. It means that when I lie on beaches, most people sort of point at me say, “Look at that. There’s a guy without a tattoo on this beach.”

The other safeguards I am concerned about regard sex offenders. Are we really so naive as to think that those who are so minded will not exploit some of these rules to do things that we know they want to do? Are we so naive as to think that people will do the right thing in all circumstances? I am an absolute libertarian Conservative and I have no interest in how people want to live—that is a matter for them. I have completely no interest, and I do not bring my opinions on it to this place for legislation. That is not my interest or concern. I steadfastly say that—people can do exactly as they please.

Alicia Kearns: I question some elements of the Bill, in particular why the amendment regarding anyone being charged or on trial for sexual offences should be excluded—I think that was madness. But I would question one part of my hon. Friend’s argument. What evidence is there that by a man becoming a woman, he somehow has more privileged access to children than he currently does as a man? That is what I cannot understand in his argument.

Madam Deputy Speaker (Dame Rosie Winterton): Order. The hon. Lady has not been here for the whole debate, and I am getting concerned that people who have been here will not get in. I will reduce the time limit to three minutes, and I urge the hon. Member for South Thanet (Craig Mackinlay) to bring his remarks to a close, because otherwise he will have taken a lot more time than that.

Craig Mackinlay: I thank my hon. Friend the Member for Rutland and Melton (Alicia Kearns). I could go into quite a story about a nurse, a transsexual woman, who was presented to a constituent of mine and their daughter for an intimate examination, but that is a story for another day and I do not have time to examine it here.

I am concerned that the process for obtaining a GRC would be much easier and much reduced under the Bill, as opposed to what I think has been a well debated, well rehearsed, and settled argument across the UK up to this date. The settled will has been that a GRC can be obtained where someone has lived as a different sex for two years, had some medical advice and intervention and guaranteed that they shall live in that way for the rest of their days. I think that is sensible; I am fully in agreement with that.

As I said, I am a libertarian Conservative, so I really do not mind what people want to do, but this is an issue about section 35 of the Scotland Act. The Bill would change the Equality Act 2010 and change how we live. I support the Government.

Madam Deputy Speaker: I call Alison Thewliss, who has three minutes.

5.5 pm

Alison Thewliss (Glasgow Central) (SNP): Thank you, Madam Deputy Speaker. I rise to support the right of the Scottish Parliament to legislate and to oppose the Government’s attempts to override the democratic wishes

of our democratically elected Scottish Parliament. Scotland joins countries such as Denmark, Malta, Ireland, Norway, Belgium, the Netherlands, Portugal, Switzerland, Argentina, Uruguay and New Zealand in this change. The UK Government have not acted, yet they seek to deny the Scottish Parliament the right to do that.

The Government’s thin statement of reasons really has a whole load of supposition, guesswork and nonsense within it. It says that we cannot possibly have the legislation in Scotland because His Majesty’s Revenue and Customs cannot fix its systems. We cannot possibly have it in Scotland because the UK Government are second-guessing the number of people who might take it up. We cannot have it in Scotland because the tiny, small, limited number—a handful—of private schools in Scotland that still offer single-sex places might have a problem. That is ludicrous nonsense and very thin.

I want to raise in particular the statement made today by all the women’s organisations in Scotland, which say:

“Too much of the debate around the Bill has been shaped by misinformation on what the bill will actually mean in practice. The majority of human rights, women’s and equalities organisations in Scotland have shown clear, consistent and unified support for this legislation throughout its seven years in development.”

There is a longer statement signed by Amnesty International, Close the Gap, Engender, Human Rights Consortium, JustRight Scotland, National Union of Students Scotland, One Parent Families Scotland, Rape Crisis Scotland, the Scottish Trades Union Congress, the Scottish Refugee Council, Scottish Women’s Aid, the Scottish Women’s Convention, the Scottish Women’s Rights Centre, Young Women’s Movement and Zero Tolerance.

If UK Government Ministers in this place think that they know better than those experts with years of experience in dealing with vulnerable women, they really have another think coming. They should reject their actions, draw back from opposing the Bill and let the Scottish Government get on with the business of giving trans people the rights that they so richly deserve.

5.7 pm

Nick Fletcher (Don Valley) (Con): I will start where the SNP leader—I am sorry that he is not in his place—finished his speech, by talking about wisdom. Where is the wisdom in the removal of the requirement for an applicant to have or have had a diagnosis of gender dysphoria? Where is the wisdom in reducing the minimum age for applicants from 18 to 16? Where is the wisdom in changing the period for which an applicant must have lived in their acquired gender before submitting an application from two years to three months? Where is the wisdom in the removal of the requirement for an applicant to provide any evidence that they have lived in their acquired gender when submitting an application? Where is the wisdom in the removal of the requirement for a panel to be satisfied that the applicant meets the criteria?

There may have been six years of consultation and many experts may have gone through this, but unfortunately there has been no common sense. The only common sense and wisdom that I have heard today has been about the Secretary of State using section 35 to protect women and children in England.

I have spoken on the subject before and been vilified for saying that transgender children are just going through a phase, only for the NHS to write an article a few weeks later saying that the majority of children are going through a phase. This is a toxic subject, and it is now being used by the SNP as a political football.

I want hon. Members across the House to remember what this is all about. There are families in this country in which boys and girls are coming home from school and saying that they are in the wrong body. These sorts of things are being glamourised on TV as though it is a wonderful thing. Let me tell the House that it is tearing parents, families and children apart and setting children on to a path of puberty blockers, hormone replacements and surgery. It is a disgrace what we are doing with children, and it must stop. I just hope that the parents who have to hear their children say that show wisdom and stick fast and hard to their belief that their child was born in the right body. We should do all we can in this place to protect those parents, protect women and protect children.

5.10 pm

Neale Hanvey (Kirkcaldy and Cowdenbeath) (Alba): I want to make it clear that balancing rights is not a simple task. It is complicated and requires proper attention. We have needed a constructive discussion on equality and rights for years, but that has been consistently dismissed and denied. This is entirely the wrong issue for a constitutional clash. It is a matter of public record that my party and I have grave concerns about the format and consequences of the Bill. It has alienated women, campaigners and defenders of the rights of women to access single sex spaces across Scotland.

I want to make a couple of points for the Secretary of State's attention. A section 35 order is absolutely the wrong approach. The Secretary of State said earlier today that the SNP did not object during the passage of the Scotland Bill to the clause that has been invoked today. I have to tell him that that is simply not the case. Far from the section 35 override clause being agreed to by the SNP, it was objected to strongly, most of all by my party leader Alex Salmond. It was realised then that it would cause the very trouble it is creating now.

There are two questions that the Secretary of State must address. First, if it is inappropriate to use section 33, will he now publish that legal advice, however exceptional it is to do so? Secondly, why has he not used part I of schedule 6 to the Scotland Act 1998, as that would surely have been a route open to him? Paragraph 1(f) states:

"In this Schedule 'devolution issue' means—

(f) any other question about whether a function is exercisable within devolved competence or in or as regards Scotland and any other question arising by virtue of this Act about reserved matters."

The matter was not referred to under that schedule. Why?

I have no concerns about trans people. My concern is and always has been about bad actors. As mentioned earlier with regard to the police case in the press today, predators are determined and devious. They will go to extraordinary lengths to access their prey. We know that through various reports, not least the Laming report on the behaviour of organisations, and overly optimistic and unrealistic views of predators. Some 42% of trans-identifying prisoners on the female estate are sex offenders.

That is not representative of the trans community. It is a distortion. So any suggestion that people would not use the Bill for nefarious ends is wrong.

5.13 pm

James Daly (Bury North) (Con): I rise in support of the Government, my hon. Friend the Member for Don Valley (Nick Fletcher) and, specifically, my hon. Friend the Member for Penistone and Stocksbridge (Miriam Cates), who is one of the most thoughtful and honourable people in this House. The language used against my hon. Friend is typical of the language of the left for people with deeply held, honest views. The word "disgusting" was used. It is disgusting that my hon. Friend was treated in that way.

In general, this has been a good debate. We have had the normal debate: every single time I am in the Chamber listening to SNP Members, no matter what the debate, we come back to independence—one version of it or another. When we look at the title of the debate, we see that there are two things to talk about. The first is the section 35 power. The question, legally and constitutionally, is this: are the Government entitled, constitutionally, to use that power to intervene on this decision of the Scottish Government? Clearly, they are. There is simply no argument against that. The Equality Act 2010 is the United Kingdom legislation that guarantees equal rights for everyone no matter where they live in the United Kingdom.

The legislation from the Scottish National party amends the Gender Recognition Act 2004, which brings it within the competence of section 35. As has been said, the Secretary of State is entitled to act if the legislation has adverse effects, and the statement of reasons refers to the

"impacts on the operation of the Equality Act 2010 that result from the fact that a GRC changes a person's protected characteristic of sex for the purposes of the 2010 Act".

That makes it clear that there is a legal basis to what the Government are doing. Constitutionally, the Government are entitled to do this. We can have a debate regarding the merits of one argument versus another, but the Government are entitled to do this. They are the elected Government of the United Kingdom. I know that my friends from the SNP would prefer us not to talk like this, but we are the United Kingdom, and legislation such as the Equality Act 2010 applies to us all.

On the issues we are talking about, because of the competencies and section 35, this matter is brought within scope and Members from English constituencies, such as me, can speak about it. I believe—I am waiting for someone from the Labour party to call me transphobic or something—that 16 is too young for these decisions to be made. I believe that the legislation is a direct threat to women's rights, sex and health-based rights and, especially, single-sex spaces. Those are genuinely held beliefs. The Government are entitled to do this, they share my beliefs and they are entirely correct in what they are doing today.

5.16 pm

Charlotte Nichols (Warrington North) (Lab): The document that the Government have published is a policy statement, not a legal document—and one so thin that it is absolutely translucent, especially for such

[Charlotte Nichols]

an unprecedented unilateral action in the invocation of the section 35 power. Frankly, I have been disgusted by a lot of the tone of today's debate. I am very interested to hear a lot of people suddenly become massive defenders of equality, including the hon. Member for Don Valley (Nick Fletcher). I remember being in a Westminster Hall debate with him when he said that Dr Who being a woman was turning boys gay, among other ridiculous arguments.

Nick Fletcher *rose*—

Madam Deputy Speaker (Dame Rosie Winterton): Is the hon. Lady giving way?

Charlotte Nichols: I will not give way, actually. I think we have heard more than enough—

Nick Fletcher: That is not what I said!

Charlotte Nichols: Yes it is—

Nick Fletcher: Withdraw!

Charlotte Nichols: I will not withdraw it—

Nick Fletcher: *Hansard* will show that is not—

Madam Deputy Speaker: Order. No; the hon. Gentleman must resume his seat.

Nick Fletcher: On a point of order, Madam Deputy Speaker. I ask the hon. Member to withdraw that and refer to *Hansard*. That is not what I said; that is an outright lie.

Hon. Members: Oh!

Madam Deputy Speaker: No, no; the hon. Gentleman must qualify that. I think he meant that the hon. Lady may have unintentionally misled the House.

Nick Fletcher *rose*—

Madam Deputy Speaker: Is that what he is going to say? I hope it is.

Nick Fletcher: It is, Madam Deputy Speaker.

Madam Deputy Speaker: With regard to the point of order, which obviously the hon. Gentleman was addressing to me to say that he felt that what had been said was incorrect, my response is that if the hon. Lady at any point feels, when she goes back to look at the debate, that what she has said has unintentionally misled the House, she will correct the record. I am taking her word for it that she will do that.

Charlotte Nichols: Thank you very much, Madam Deputy Speaker. On checking *Hansard*, I see that the hon. Member actually said that Dr Who being a woman was turning boys towards a life of crime. Clearly, it was a matter of misogyny rather than homophobia. However, I am very sorry for having inadvertently misled the House in accusing the hon. Member, in a very legitimate

comment that I made about his brand-new respect for our equality legislation, in having made a remark that was misogynist rather than, in fact, homophobic. I apologise for that omission.

Miriam Cates: Will the hon. Lady give way?

Charlotte Nichols: I will not give way; we have heard more than enough from the hon. Member today.

I would like to talk about the substance of the policy statement, because it is an absolute joke. I declare an interest as an LGBT woman—as someone who is myself LGBT and exists—something that has been forgotten entirely in this debate by people who are trying to draw a false distinction between the rights of women and the rights of LGBT people, including trans people.

I am afraid I do not have the time I would like to have to go through all the clauses, which, as I have said, are so flimsy as to be ridiculous—including clause 20, which I am calling the “computer says no” clause because, as the hon. Member for Glasgow Central (Alison Thewliss) pointed out earlier, it says that the law cannot be changed because the computer system could not handle it. The computer system should be changed to abide by the law, not the other way round. These potential adverse impacts are flimsy, this piece of paper is an absolute nonsense, and, as I have said, there is no justification whatsoever for such an unprecedented action as invoking section 35.

5.20 pm

Kirsty Blackman (Aberdeen North) (SNP): Let me start with an apology to all the trans people in Scotland who were hoping that they would be able to get the gender recognition certificate that they cannot currently get because they cannot provide thousands of pages of evidence, because they cannot go in front of a panel, and because they cannot obtain the medical diagnosis of gender dysphoria, which the World Health Organisation has said should not be necessary for a certificate. I want to apologise for the fact that we gave them that hope and the UK Government have dashed it again.

We are in a room full of cis people talking about the lives of trans people. That is what we are doing in this room: we are talking about the lives of other people, and about rights that do not affect us in our privileged, entitled position here. I want to know why the UK Government have suddenly decided that they are going to try to protect vulnerable women and children. They did not think like this when they were talking about the implementation of the rape clause, or when they were demonising migrants and refugees. They did not want to protect women and children until today, when it seems that they can suddenly use this wedge issue to attack trans people, and to demonise the Scottish Parliament and the Scottish Government for the decisions that we have taken to try to improve the lives of our trans constituents.

Earlier, when I asked Secretary of State what a gender recognition certificate does, he did not have the faintest clue, yet he has the power to veto this legislation from the Scottish Parliament. I have looked at the statement of reasons, and it contains no reasons for any impact on the lives of women and girls who are not trans. There is no such impact on their lives, because this is a manufactured

grievance—the Labour party is absolutely correct about that. It is a grievance manufactured by the Conservatives, who are cynically using the lives of trans people to create this conflict.

A gender recognition certificate does not allow people access to bathrooms or changing rooms, and it does not allow them to change their passports or driving licences; they can do that without a gender recognition certificate. All the certificate does is allow people to live and die in dignity. It allows them to have the correct gender on their death certificates, and it allows their gender to be recognised by pension providers. It is something that trans people need and cannot currently obtain because of the massive barriers erected by the current Act. I am devastated that Conservative Members sitting over there are suggesting that we should even row back on that Act. What we should be doing is making life better for people and improving human rights, not dismantling them.

5.23 pm

Alan Brown (Kilmarnock and Loudoun) (SNP): First and foremost, this is an attack on devolution. It is an attack on elected Members of the Scottish Parliament, and it is an attack made by the Scottish Secretary, who has never respected the institution of the Scottish Parliament in the first place. He has always thought that Westminster is more important, and that it has primacy over the Scottish Parliament. This is the same Scottish Secretary who tells us that we have the most powerful devolved Parliament in the world, when we do not even have the most powerful devolved Parliament in the UK. The Northern Ireland settlement gave much greater powers in relation to pensions and rights over the Union, to name but two areas.

When we listen to the arguments in the Chamber today, we hear the right-wing Tories standing up and pretending to speak for women's rights. Right-wing Tories are part of a culture war. Right-wing Tories have the cheek to say that we have manufactured a constitutional debate. How can we have manufactured a constitutional debate when two thirds of those elected to the Scottish Parliament voted for gender recognition reform?

Charlotte Nichols *rose*—

Alan Brown: I cannot give way; we do not have enough time.

This is absolutely grievance politics and a culture war from the Tories. And then we get the “clutching at straws” statement of reasons. Somebody tried to say that this was legal advice, but it is not. Everybody knows that if you pay a lawyer, you can get them to write what you want. That is what this is: a list of bogus reasons for the Scottish Secretary to introduce this section 35 order.

Let us look at the equal pay section, which is unbelievable. It says that transgender people are going to cause problems with equal pay because if somebody transitions and becomes a transgender woman, they might have been on higher pay before and that could affect claims. It also says that someone transitioning could affect somebody else's equal pay claim because they cannot use that person as a benchmark. Talking about manufactured grievances, you could not make that up. That must happen just now with people who have already got a

GRC, so if it does not undermine equal pay settlements just now, how can the GRR undermine equal pay settlements?

The bottom line is this: you know you are on the right side of an argument when the opposite side is that lot over there on the Government Benches. They are comparing trans people to predators, and that is an utter disgrace. You also know you are on the right side of the argument when Amnesty International, Close the Gap, Engender, the Human Rights Consortium, JustRight Scotland, NUS Scotland, One Parent Families Scotland, Rape Crisis Scotland, the Scottish Trades Union Congress, the Scottish Refugee Council, Scottish Women's Aid, the Scottish Women's Convention, the Scottish Women's Rights Centre, the Young Women's Movement and Zero Tolerance are on the same side as us.

Question put.

The House divided: Ayes 318, Noes 71.

Division No. 143]

[5.26 pm

AYES

Adams, rh Nigel
Afolami, Bim
Afriyie, Adam
Aiken, Nickie
Aldous, Peter
Allan, Lucy
Anderson, Lee
Andrew, rh Stuart
Ansell, Caroline
Argar, rh Edward
Atherton, Sarah
Atkins, Victoria
Bacon, Gareth
Bacon, Mr Richard
Bailey, Shaun
Baillie, Siobhan
Baker, Duncan
Baker, Mr Steve
Baldwin, Harriett
Barclay, rh Steve
Baron, Mr John
Baynes, Simon
Bell, Aaron
Benton, Scott
Beresford, Sir Paul
Berry, rh Sir Jake
Bhatti, Saqib
Blackman, Bob
Blunt, Crispin
Bone, Mr Peter
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Brady, Sir Graham
Brereton, Jack
Brine, Steve
Bristow, Paul
Britcliffe, Sara
Browne, Anthony
Bruce, Fiona
Buchan, Felicity
Burghart, Alex
Burns, rh Conor
Butler, Rob
Cairns, rh Alun
Campbell, Mr Gregory
Carter, Andy
Cartlidge, James

Cash, Sir William
Cates, Miriam
Caulfield, Maria
Chalk, Alex
Chishti, Rehman
Chope, Sir Christopher
Churchill, Jo
Clark, rh Greg
Clarke, rh Mr Simon
Clarke, Theo (*Proxy vote cast by Mr Marcus Jones*)
Clarke-Smith, Brendan
Clarkson, Chris
Clifton-Brown, Sir Geoffrey
Coffey, rh Dr Thérèse
Collins, Damian
Costa, Alberto
Courts, Robert
Coutinho, Claire
Cox, rh Sir Geoffrey
Crosbie, Virginia
Crouch, Tracey
Daly, James
Davies, rh David T. C.
Davies, Gareth
Davies, Dr James
Davies, Mims
Davies, Philip
Davis, rh Mr David
Davison, Dehenna
Dinenage, Dame Caroline
Dines, Miss Sarah
Djanogly, Mr Jonathan
Docherty, Leo
Donaldson, rh Sir Jeffrey M.
Donelan, rh Michelle
Double, Steve
Dowden, rh Oliver
Doyle-Price, Jackie
Drax, Richard
Drummond, Mrs Flick
Duddridge, Sir James
Duguid, David
Duncan Smith, rh Sir Iain
Dunne, rh Philip
Eastwood, Mark
Edwards, Ruth
Ellis, rh Michael

Ellwood, rh Mr Tobias
 Elphicke, Mrs Natalie
 Eustice, rh George
 Evans, Dr Luke
 Evennett, rh Sir David
 Everitt, Ben
 Fabricant, Michael
 Farris, Laura
 Fell, Simon
 Firth, Anna
 Fletcher, Katherine
 Fletcher, Mark
 Fletcher, Nick
 Ford, rh Vicky
 Foster, Kevin
 Fox, rh Dr Liam
 Francois, rh Mr Mark
 Frazer, rh Lucy
 Freeman, George
 Freer, Mike
 French, Mr Louie
 Fuller, Richard
 Fysh, Mr Marcus
 Garnier, Mark
 Ghani, Ms Nusrat
 Gibb, rh Nick
 Gibson, Peter
 Gideon, Jo
 Girvan, Paul
 Glen, rh John
 Gove, rh Michael
 Graham, Richard
 Grant, Mrs Helen
 Gray, James
 Green, Chris
 Green, rh Damian
 Griffith, Andrew
 Grundy, James
 Gullis, Jonathan
 Halfon, rh Robert
 Hall, Luke
 Hammond, Stephen
 Hands, rh Greg
 Harper, rh Mr Mark
 Harris, Rebecca
 Harrison, Trudy
 Hart, Sally-Ann
 Hart, rh Simon
 Hayes, rh Sir John
 Heapey, rh James
 Henderson, Gordon
 Henry, Darren
 Higginbotham, Antony
 Hinds, rh Damian
 Holden, Mr Richard
 Hollinrake, Kevin
 Hollobone, Mr Philip
 Holloway, Adam
 Holmes, Paul
 Howell, John
 Howell, Paul
 Huddleston, Nigel
 Hudson, Dr Neil
 Hughes, Eddie
 Hunt, Jane
 Hunt, Tom
 Javid, rh Sajid
 Jayawardena, rh Mr Ranil
 Jenkin, Sir Bernard
 Jenkinson, Mark
 Johnson, Dr Caroline
 Johnson, Gareth

Johnston, David
 Jones, Andrew
 Jones, rh Mr David
 Jones, Fay
 Jones, Mr Marcus
 Jupp, Simon
 Kawczynski, Daniel
 Kearns, Alicia
 Keegan, rh Gillian
 Knight, rh Sir Greg
 Kniveton, Kate
 Kruger, Danny
 Kwarteng, rh Kwasi
 Lamont, John
 Largan, Robert
 Latham, Mrs Pauline
 Leadsom, rh Dame Andrea
 Lewer, Andrew
 Lewis, rh Brandon
 Lewis, rh Sir Julian
 Liddell-Grainger, Mr Ian
 Loder, Chris
 Logan, Mark (*Proxy vote cast by Mr Marcus Jones*)
 Longhi, Marco
 Lopez, Julia
 Lopresti, Jack
 Lord, Mr Jonathan
 Loughton, Tim
 Mackinlay, Craig
 Mackrory, Cherilyn
 Maclean, Rachel
 Mangnall, Anthony
 Mann, Scott
 Marson, Julie
 Mayhew, Jerome
 Maynard, Paul
 McCartney, Jason
 McCartney, Karl
 McPartland, rh Stephen
 McVey, rh Esther
 Mercer, Johnny
 Merriman, Huw
 Metcalfe, Stephen
 Millar, Robin
 Milling, rh Amanda
 Mills, Nigel
 Mitchell, rh Mr Andrew
 Mohindra, Mr Gagan
 Moore, Damien
 Moore, Robbie
 Mordaunt, rh Penny
 Morris, Anne Marie
 Morris, David
 Morris, James
 Mortimer, Jill
 Morton, rh Wendy
 Mullan, Dr Kieran
 Mumby-Croft, Holly
 Mundell, rh David
 Murray, Mrs Sheryl
 Murrison, rh Dr Andrew
 Neill, Sir Robert
 Nici, Lia
 Norman, rh Jesse
 O'Brien, Neil
 Offord, Dr Matthew
 Opperman, Guy
 Patel, rh Priti
 Pawsey, Mark
 Penning, rh Sir Mike
 Penrose, John

Percy, Andrew
 Philp, rh Chris
 Poulter, Dr Dan
 Pow, Rebecca
 Prentis, rh Victoria
 Pritchard, rh Mark
 Pursglove, Tom
 Quin, rh Jeremy
 Quince, Will
 Raab, rh Dominic
 Randall, Tom
 Redwood, rh John
 Rees-Mogg, rh Mr Jacob
 Richardson, Angela
 Roberts, Rob
 Robertson, Mr Laurence
 Robinson, Gavin
 Robinson, Mary
 Ross, Douglas
 Rowley, Lee
 Russell, Dean
 Sambrook, Gary
 Saxby, Selaine
 Scully, Paul
 Selous, Andrew
 Shannon, Jim
 Shapps, rh Grant
 Sharma, rh Sir Alok
 Shelbrooke, rh Alec
 Skidmore, rh Chris
 Smith, rh Chloe
 Smith, Greg
 Smith, Henry
 Smith, rh Julian
 Smith, Royston
 Solloway, Amanda
 Spencer, Dr Ben
 Spencer, rh Mark
 Stafford, Alexander
 Stephenson, rh Andrew
 Stevenson, Jane
 Stevenson, John
 Stewart, Iain

Streeter, Sir Gary
 Stuart, rh Graham
 Sturdy, Julian
 Sunderland, James
 Swayne, rh Sir Desmond
 Syms, Sir Robert
 Thomas, Derek
 Throup, Maggie
 Timpson, Edward
 Tolhurst, Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Trott, Laura
 Truss, rh Elizabeth
 Tugendhat, rh Tom
 Vickers, Martin
 Vickers, Matt
 Villiers, rh Theresa
 Walker, Sir Charles
 Walker, Mr Robin
 Warman, Matt (*Proxy vote cast by Mr Marcus Jones*)
 Watling, Giles
 Webb, Suzanne
 Whately, Helen
 Wheeler, Mrs Heather
 Whittaker, Craig
 Whittingdale, rh Sir John
 Wiggin, Sir Bill
 Wild, James
 Williams, Craig
 Williamson, rh Sir Gavin
 Wilson, rh Sammy
 Wragg, Mr William
 Wright, rh Sir Jeremy
 Young, Jacob
 Zahawi, rh Nadhim

Tellers for the Ayes:
Stuart Anderson and
Mike Wood

NOES

Bardell, Hannah
 Black, Mhairi
 Blackford, rh Ian
 Blackman, Kirsty
 Blake, Olivia
 Bradshaw, rh Mr Ben
 Brock, Deidre
 Brown, Alan
 Burgon, Richard
 Callaghan, Amy (*Proxy vote cast by Brendan O'Hara*)
 Cameron, Dr Lisa
 Carmichael, rh Mr Alistair
 Chamberlain, Wendy
 Chapman, Douglas
 Cooper, Daisy
 Cowan, Ronnie
 Crawley, Angela
 Day, Martyn
 Docherty-Hughes, Martin
 Doogan, Dave
 Dorans, Allan (*Proxy vote cast by Brendan O'Hara*)
 Eastwood, Colum
 Edwards, Jonathan
 Farron, Tim

Farry, Stephen
 Fellows, Marion
 Ferrier, Margaret
 Flynn, Stephen
 Foord, Richard
 Gibson, Patricia
 Grady, Patrick
 Green, Sarah
 Hanvey, Neale
 Hendry, Drew
 Hosie, rh Stewart
 Jardine, Christine
 Lake, Ben
 Law, Chris
 Linden, David
 Lucas, Caroline
 Mc Nally, John
 McDonald, Stewart Malcolm
 McDonald, Stuart C.
 McDonnell, rh John
 McLaughlin, Anne
 Monaghan, Carol
 Morgan, Helen
 Newlands, Gavin
 Nichols, Charlotte

Nicolson, John (*Proxy vote
cast by Brendan O'Hara*)
O'Hara, Brendan
Olney, Sarah
Osborne, Kate
Oswald, Kirsten
Qaisar, Ms Anum
Ribeiro-Addy, Bell
Russell-Moyle, Lloyd
Saville Roberts, rh Liz
Sheppard, Tommy
Smith, Alyn
Stephens, Chris

Stone, Jamie
Sultana, Zarah
Thewliss, Alison
Thompson, Owen
Webbe, Claudia
Whitford, Dr Philippa
Whittome, Nadia
Wilson, Munira
Winter, Beth
Wishart, Pete

Tellers for the Noes:

Peter Grant and
Steven Bonnar

Question accordingly agreed to.

Resolved,

That this House has considered the Government's decision to use section 35 of the Scotland Act with regard to the Gender Recognition Reform (Scotland) Bill.

Online Safety Bill

Consideration of Bill, as amended, on re-committal, in the Public Bill Committee

[Relevant documents: Second Report of the Petitions Committee of Session 2021-22, Tackling Online Abuse, HC 766, and the Government response, HC 1224; Letter from the Chair of the Women and Equalities Committee to the Minister for Tech and the Digital Economy regarding Pornography and its impact on VAWG, dated 13 June 2022; Letter from the Minister for Tech and the Digital Economy to the Chair of the Women and Equalities Committee regarding Pornography and its impact on VAWG, dated 30 August 2022; e-petition 272087, Hold online trolls accountable for their online abuse via their IP address; e-petition 332315, Ban anonymous accounts on social media; e-petition 575833, Make verified ID a requirement for opening a social media account; e-petition 582423, Repeal Section 127 of the Communications Act 2003 and expunge all convictions; e-petition 601932, Do not restrict our right to freedom of expression online.]

Madam Deputy Speaker (Dame Rosie Winterton):

Before we open the debate, I want to make a brief comment about the scope of today's debate. Today's debate on consideration follows the re-committal of the Bill to a Public Bill Committee in December last year. We are therefore debating today only the new clauses and amendments listed on the selection paper issued today. These are either: new clauses relating to the re-committed clauses and schedules; amendments to those clauses and schedules; or amendments to other parts of the Bill consequential on changes made to the Bill on re-committal in the Public Bill Committee.

On 5 December, the House finished its consideration on report of other parts of the Bill. The scope of today's report stage generally does not include those parts of the Bill that were not re-committed. The exception is where amendments on the selection paper are consequential to the changes made to re-committed clauses, and relate to clauses that were not re-committed. Should there be time for debate on Third Reading, it is of course permissible to speak then to any of the content of the Bill.

I should also remind the House that, because of the time taken for the emergency debate, proceedings on consideration are now scheduled to finish at 8.13 pm and proceedings on Third Reading at 9.13 pm.

New Clause 1**REPORT ON REDRESS FOR INDIVIDUAL COMPLAINTS**

'(1) The Secretary of State must publish a report assessing options for dealing with appeals about complaints made under section 17 of this Act.

(2) The report must—

- (a) provide a general update on the fulfilment of duties about complaints procedures which apply in relation to all regulated user-to-user services;
- (b) assess which body should be responsible for a system to deal with appeals in cases where a complainant considers that a complaint has not been satisfactorily dealt with; and
- (c) provide options for how the system should be funded, including consideration of whether an annual surcharge could be imposed on user-to-user services.

(3) The report must be laid before Parliament within six months of the commencement of section 17.—(*Alex Davies-Jones.*)

Brought up, and read the First time.

5.43 pm

Alex Davies-Jones (Pontypridd) (Lab): I beg to move, That the clause be read a Second time.

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

New clause 2—*Offence of failing to comply with a relevant duty*—

‘(1) The provider of a service to whom a relevant duty applies commits an offence if the provider fails to comply with the duty.

(2) In the application of sections 178(2) and 179(5) to an offence under this section (where the offence has been committed with the consent or connivance of an officer of the entity or is attributable to any neglect on the part of an officer of the entity) the references in those provisions to an officer of an entity include references to any person who, at the time of the commission of the offence—

(a) was (within the meaning of section 93) a senior manager of the entity in relation to the activities of the entity in the course of which the offence was committed; or

(b) was a person purporting to act in such a capacity.

(3) A person who commits an offence under this section is liable on conviction on indictment to imprisonment for a term not exceeding two years or a fine (or both).

(4) In this section, “relevant duty” means a duty provided for by section 11 of this Act.’

This new clause makes it an offence for the provider of a user-to-service not to comply with the safety duties protecting children set out in clause 11. Where the offence is committed with the consent or connivance of a senior manager or other officer of the provider, or is attributable to their neglect, the officer, as well as the entity, is guilty of the offence.

New clause 3—*Child user empowerment duties*—

‘(1) This section sets out the duties to empower child users which apply in relation to Category 1 services.

(2) A duty to include in a service, to the extent that it is proportionate to do so, features which child users may use or apply if they wish to increase their control over harmful content.

(3) The features referred to in subsection (2) are those which, if used or applied by a user, result in the use by the service of systems or processes designed to—

(a) reduce the likelihood of the user encountering priority content that is harmful, or particular kinds of such content, by means of the service, or

(b) alert the user to the harmful nature of priority content that is harmful that the user may encounter by means of the service.

(4) A duty to ensure that all features included in a service in compliance with the duty set out in subsection (2) are made available to all child users.

(5) A duty to include clear and accessible provisions in the terms of service specifying which features are offered in compliance with the duty set out in subsection (2), and how users may take advantage of them.

(6) A duty to include in a service features which child users may use or apply if they wish to filter out non-verified users.

(7) The features referred to in subsection (6) are those which, if used or applied by a user, result in the use by the service of systems or processes designed to—

(a) prevent non-verified users from interacting with content which that user generates, uploads or shares on the service, and

(b) reduce the likelihood of that user encountering content which non-verified users generate, upload or share on the service.

(8) A duty to include in a service features which child users may use or apply if they wish to only encounter content by users they have approved.

(9) A duty to include in a service features which child users may use or apply if they wish to filter out private messages from—

(a) non-verified users, or

(b) adult users, or

(c) any user other than those on a list approved by the child user.

(10) In determining what is proportionate for the purposes of subsection (2), the following factors, in particular, are relevant—

(a) all the findings of the most recent child risk assessment (including as to levels of risk and as to nature, and severity, of potential harm), and

(b) the size and capacity of the provider of a service.

(11) In this section “non-verified user” means a user who has not verified their identity to the provider of a service (see section 57(1)).

(12) In this section references to features include references to functionalities and settings.’

New clause 4—*Safety duties protecting adults and society: minimum standards for terms of service*—

‘(1) OFCOM may set minimum standards for the provisions included in a provider’s terms of service as far as they relate to the duties under sections 11, [Harm to adults and society risk assessment duties], [Safety duties protecting adults and society], 12, 16 to 19 and 28 of this Act (“relevant duties”).

(2) Where a provider does not meet the minimum standards, OFCOM may direct the provider to amend its terms of service in order to ensure that the standards are met.

(3) OFCOM must, at least once a year, conduct a review of—

(a) the extent to which providers are meeting the minimum standards, and

(b) how the providers’ terms of service are enabling them to fulfil the relevant duties.

(4) The report must assess whether any provider has made changes to its terms of service that might affect the way it fulfils a relevant duty.

(5) OFCOM must lay a report on the first review before both Houses of Parliament within one year of this Act being passed.

(6) OFCOM must lay a report on each subsequent review at least once a year thereafter.’

New clause 5—*Harm to adult and society risk assessment duties*—

‘(1) This section sets out the duties about risk assessments which apply in relation to Category 1 services (in addition to the duties about risk assessments set out in section 8 and, in the case of Category 1 services likely to be accessed by children, section 10).

(2) A duty to carry out a suitable and sufficient harm to adults and society risk assessment at a time set out in, or as provided by, Schedule 3.

(3) A duty to take appropriate steps to keep an harm to adults and society risk assessment up to date, including when OFCOM make any significant change to a risk profile that relates to services of the kind in question.

(4) Before making any significant change to any aspect of a service’s design or operation, a duty to carry out a further suitable and sufficient harm to adults and society risk assessment relating to the impacts of that proposed change.

(5) A “harm to adults and society risk assessment” of a service of a particular kind means an assessment of the following matters, taking into account the risk profile that relates to services of that kind—

(a) the user base;

(b) the level of risk of adults who are users of the service encountering, by means of the service, each kind of priority content that is harmful to adults and society (with each kind separately assessed), taking into account (in particular) algorithms used by the service, and how easily, quickly and widely content may be disseminated by means of the service;

- (c) the level of risk of harm to adults and society presented by different kinds of priority content that is harmful to adults and society;
- (d) the level of risk of harm to adults and society presented by priority content that is harmful to adults and society which particularly affects individuals with a certain characteristic or members of a certain group;
- (e) the level of risk of functionalities of the service facilitating the presence or dissemination of priority content that is harmful to adults and society, identifying and assessing those functionalities that present higher levels of risk;
- (f) the different ways in which the service is used, and the impact of such use on the level of risk of harm that might be suffered by adults and society;
- (g) the nature, and severity, of the harm that might be suffered by adults and society from the matters identified in accordance with paragraphs (b) to (f);
- (h) how the design and operation of the service (including the business model, governance, use of proactive technology, measures to promote users' media literacy and safe use of the service, and other systems and processes) may reduce or increase the risks identified.

(6) In this section references to risk profiles are to the risk profiles for the time being published under section 85 which relate to the risk of harm to adults and society presented by priority content that is harmful to adults and society.

(7) See also—

- (a) section 19(2) (records of risk assessments), and
- (b) Schedule 3 (timing of providers' assessments).'

New clause 6—*Safety duties protecting adults and society*—

‘(1) This section sets out the duties to prevent harms to adults and society which apply in relation to Category 1 services.

(2) A duty to summarise in the terms of service the findings of the most recent adults and society risk assessment of a service (including as to levels of risk and as to nature, and severity, of potential harm to adults and society).

(3) If a provider decides to treat a kind of priority content that is harmful to adults and society in a way described in subsection (4), a duty to include provisions in the terms of service specifying how that kind of content is to be treated (separately covering each kind of priority content that is harmful to adults and society which a provider decides to treat in one of those ways).

(4) These are the kinds of treatment of content referred to in subsection (3)—

- (a) taking down the content;
- (b) restricting users' access to the content;
- (c) limiting the recommendation or promotion of the content;
- (d) recommending or promoting the content;
- (e) allowing the content without treating it in a way described in any of paragraphs (a) to (d).

(5) A duty to explain in the terms of service the provider's response to the risks relating to priority content that is harmful to adults and society (as identified in the most recent adults and society risk assessment of the service), by reference to—

- (a) any provisions of the terms of service included in compliance with the duty set out in subsection (3), and
- (b) any other provisions of the terms of service designed to mitigate or manage those risks.

(6) If provisions are included in the terms of service in compliance with the duty set out in subsection (3), a duty to ensure that those provisions—

- (a) are clear and accessible, and
- (b) are applied consistently.

(7) If the provider of a service becomes aware of any non-designated content that is harmful to adults and society present on the service, a duty to notify OFCOM of—

- (a) the kinds of such content identified, and
- (b) the incidence of those kinds of content on the service.

(8) In this section—

“harm to adults and society risk assessment” has the meaning given by section [harm to adults and society risk assessment duties];

“non-designated content that is harmful to adults and society” means content that is harmful to adults and society other than priority content that is harmful to adults and society.

(9) See also, in relation to duties set out in this section, section 18 (duties about freedom of expression and privacy).'

New clause 7—*“Content that is harmful to adults and society” etc*—

‘(1) This section applies for the purposes of this Part.

(2) “Priority content that is harmful to adults and society” means content of a description designated in regulations made by the Secretary of State as priority content that is harmful to adults and society.

(3) “Content that is harmful to adults and society” means—

- (a) priority content that is harmful to adults and society, or
- (b) content, not within paragraph (a), of a kind which presents a material risk of significant harm to an appreciable number of adults in the United Kingdom.

(4) For the purposes of this section—

- (a) illegal content (see section 53) is not to be regarded as within subsection (3)(b), and
- (b) content is not to be regarded as within subsection (3)(b) if the risk of harm flows from—
 - (i) the content's potential financial impact,
 - (ii) the safety or quality of goods featured in the content, or
 - (iii) the way in which a service featured in the content may be performed (for example, in the case of the performance of a service by a person not qualified to perform it).

(5) References to “priority content that is harmful to adults and society” and “content that is harmful to adults and society” are to be read as—

- (a) limited to content within the definition in question that is regulated user-generated content in relation to a regulated user-to-user service, and
- (b) including material which, if it were present on a regulated user-to-user service, would be content within paragraph (a) (and this section is to be read with such modifications as may be necessary for the purpose of this paragraph).

(6) Sections 55 and 56 contain further provision about regulations made under this section.'

Government amendments 1 to 4.

Amendment 44, clause 11, page 10, line 17, , at end insert ‘, and—

“(c) mitigate the harm to children caused by habit-forming features of the service by consideration and analysis of how processes (including algorithmic serving of content, the display of other users' approval of posts and notifications) contribute to development of habit-forming behaviour.”

Amendment 82, page 10, line 25, at end insert—

‘(3A) Content under subsection (3) includes content that may result in serious harm or death to a child while crossing the English Channel with the aim of entering the United Kingdom in a vessel unsuited or unsafe for those purposes.’

This amendment would require proportionate systems and processes, including removal of content, to be in place to control the access by young people to material which encourages them to undertake dangerous Channel crossings where their lives could be lost.

Amendment 83, page 10, line 25, at end insert—

‘(3A) Content promoting self-harm, including content promoting eating disorders, must be considered as harmful.’

Amendment 84, page 10, line 25, at end insert—

‘(3A) Content which advertises or promotes the practice of so-called conversion practices of LGBTQ+ individuals must be considered as harmful for the purposes of this section.’

Amendment 45, page 10, line 36, leave out paragraph (d) and insert—

‘(d) policies on user access to the service, parts of the service, or to particular content present on the service, including blocking users from accessing the service, parts of the service, or particular content.’

Amendment 47, page 10, line 43, at end insert ‘, and

“(i) reducing or removing a user’s access to livestreaming features.”’

Amendment 46, page 10, line 43, at end insert ‘, and

“(i) reducing or removing a user’s access to private messaging features.”’

Amendment 48, page 11, line 25, after ‘accessible’ insert ‘for child users.’

Amendment 43, clause 12, page 12, line 24, leave out ‘made available to’ and insert

‘in operation by default for’.

Amendment 52, page 12, line 30, after ‘non-verified users’ insert

‘and to enable them to see whether another user is verified or non-verified.’

This amendment would require Category 1 services to make visible to users whether another user is verified or non-verified.

Amendment 49, page 12, line 30, at end insert—

‘(6A) A duty to ensure features and provisions in subsections (2), (4) and (6) are accessible and understandable to adult users with learning disabilities.’

Amendment 53, page 12, line 32, after ‘to’ insert ‘effectively’.

This amendment would bring this subsection into line with subsection (3) by requiring that the systems or processes available to users for the purposes described in subsections (7)(a) and (7)(b) should be effective.

Amendment 55, page 18, line 15, at end insert—

‘(4A) Content that is harmful to adults and society.’

Amendment 56, clause 17, page 20, line 10, leave out subsection (6) and insert—

‘(6) The following kinds of complaint are relevant for Category 1 services—

- (a) complaints by users and affected persons about content present on a service which they consider to be content that is harmful to adults and society;
- (b) complaints by users and affected persons if they consider that the provider is not complying with a duty set out in—
 - (i) section [adults and society online safety]
 - (ii) section 12 (user empowerment),
 - (iii) section 13 (content of democratic importance),
 - (iv) section 14 (news publisher content),
 - (v) section 15 (journalistic content), or
 - (vi) section 18(4), (6) or (7) (freedom of expression and privacy);
- (c) complaints by a user who has generated, uploaded or shared content on a service if that content is taken down, or access to it is restricted, on the basis that it is content that is harmful to adults and society;

- (d) complaints by a user of a service if the provider has given a warning to the user, suspended or banned the user from using the service, or in any other way restricted the user’s ability to use the service, as a result of content generated, uploaded or shared by the user which the provider considers to be content that is harmful to adults and society.’

Amendment 57, clause 19, page 21, line 40, leave out ‘or 10’ and insert

‘, 10 or [harms to adults and society risk assessment duties]’.

Amendment 58, page 22, line 37, at end insert—

‘(ba) section [adults and society online safety] (adults and society online safety);’

Government amendment 5.

Amendment 59, clause 44, page 44, line 11, at end insert

‘or

(ba) section [adults and society online safety] (adults and society online safety);’

Government amendment 6.

Amendment 60, clause 55, page 53, line 43, at end insert—

‘(2A) The Secretary of State may specify a description of content in regulations under section [“Content that is harmful to adults and society” etc](2) (priority content that is harmful to adults and society) only if the Secretary of State considers that, in relation to regulated user-to-user services, there is a material risk of significant harm to an appreciable number of adults presented by content of that description that is regulated user-generated content.’

Amendment 61, page 53, line 45, after ‘54’ insert ‘or [“Content that is harmful to adults and society” etc]’.

Amendment 62, page 54, line 8, after ‘54’ insert ‘or [“Content that is harmful to adults and society” etc]’.

Amendment 63, page 54, line 9, leave out ‘are to children’ and insert

‘or adults are to children or adults and society’.

Government amendments 7 to 16.

Amendment 77, clause 94, page 85, line 42, after ‘10’ insert

‘, [Adults and society risk assessment duties]’.

Amendment 78, page 85, line 44, at end insert—

‘(iia) section [Adults and society online safety] (adults and society online safety);’

Amendment 54, clause 119, page 102, line 22, at end insert—

‘Section [Safety duties protecting adults and society: minimum standards for terms of service]	Minimum standards for terms of service’
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Amendment 79, page 102, line 22, at end insert—

‘Section [Harm to adults and society assessments]	Harm to adults and society risk assessments
Section [Adults and society online safety]	Adults and society online safety’

Government amendments 17 to 19.

Amendment 51, clause 207, page 170, line 42, after ‘including’ insert ‘but not limited to’.

Government amendments 20 to 23.

Amendment 81, clause 211, page 177, line 3, leave out ‘and 55’ and insert

‘, [“Content that is harmful to adults and society” etc] and 55’.

Government amendments 24 to 42.

Amendment 64, schedule 8, page 207, line 13, leave out ‘relevant content’ and insert
‘priority content that is harmful to adults and society’.

Amendment 65, page 207, line 15, leave out ‘relevant content’ and insert
‘priority content that is harmful to adults and society’.

Amendment 66, page 207, line 17, leave out ‘relevant content’ and insert
‘priority content that is harmful to adults and society’.

Amendment 67, page 207, line 21, leave out ‘relevant content’ and insert
‘content that is harmful to adults and society, or other content which they consider breaches the terms of service.’

Amendment 68, page 207, line 23, leave out ‘relevant content’ and insert
‘priority content that is harmful to adults and society’.

Amendment 69, page 207, line 26, leave out ‘relevant content’ and insert
‘priority content that is harmful to adults and society’.

Amendment 70, page 208, line 2, leave out
‘or content that is harmful to children’
and insert
‘content that is harmful to children or priority content that is harmful to adults and society’.

Amendment 71, page 208, line 10, leave out
‘and content that is harmful to children’
and insert
‘content that is harmful to children and priority content that is harmful to adults and society’.

Amendment 72, page 208, line 13, leave out
‘and content that is harmful to children’
and insert
‘content that is harmful to children and priority content that is harmful to adults and society’.

Amendment 73, page 210, line 2, at end insert
“‘content that is harmful to adults and society’ and ‘priority content that is harmful to adults and society’ have the same meaning as in section [“*Content that is harmful to adults and society*” etc].”

Amendment 50, schedule 11, page 217, line 31, at end insert—

‘(1A) Regulations made under sub-paragraph (1) must provide for any regulated user-to-user service which OFCOM assesses as posing a very high risk of harm to be included within Category 1, regardless of the number of users.’

Amendment 74, page 218, line 24, leave out
‘and content that is harmful to children’
and insert
‘content that is harmful to children and priority content that is harmful to adults and society’.

Amendment 75, page 219, line 6, leave out
‘and content that is harmful to children’
and insert
‘content that is harmful to children and priority content that is harmful to adults and society’.

Amendment 76, page 221, line 24, at end insert—
“‘priority content that is harmful to adults and society’
has the same meaning as in section [“*Content that is harmful to adults and society*” etc].”

Amendment 80, page 240, line 35, in schedule 17, at end insert—

‘(ba) section [*Harm to adults and society assessments*]
(Harm to adults and society assessments), and’.

Alex Davies-Jones: Once again, it is a privilege to be back in the Chamber opening this debate—the third Report stage debate in recent months—of this incredibly important and urgently needed piece of legislation. I speak on behalf of colleagues across the House when I say that the Bill is in a much worse position than when it was first introduced. It is therefore vital that it is now able to progress to the other place. Although we are all pleased to see the Bill return today, the Government’s delays have been incredibly costly and we still have a long way to go until we see meaningful change for the better.

In December, during the last Report stage debate, we had the immense privilege to be joined in the Public Gallery by a number of the families who have all lost children in connection with online harms. It is these families whom we must keep in our mind when we seek to get the Bill over the line once and for all. As ever, I pay tribute to their incredible efforts in the most difficult of all circumstances.

Today’s debate is also very timely in that, earlier today, the End Violence Against Women and Girls coalition and Glitch, a charity committed to ending online abuse, handed in their petition, which calls on the Prime Minister to protect women and girls online. The petition has amassed more than 90,000 signatures and rising, so we know there is strong support for improving internet safety across the board. I commend all those involved on their fantastic efforts in raising this important issue.

It would be remiss of me not to make a brief comment on the Government’s last-minute U-turns in their stance on criminal sanctions. The fact that we are seeing amendments withdrawn at the last minute goes to show that this Government have absolutely no idea where they truly stand on these issues and that they are ultimately too weak to stand up against vested interests, whereas Labour is on the side of the public and has consistently put safety at the forefront throughout the Bill’s passage.

More broadly, I made Labour’s feelings about the Government’s highly unusual decision to send part of this Bill back to Committee a second time very clear during the previous debate. I will spare colleagues by not repeating those frustrations here, but let me be clear: it is absolutely wrong that the Government chose to remove safety provisions relating to “legal but harmful” content in Committee. That is a major weakening, not strengthening, of the Bill; everyone online, including users and consumers, will be worse off without those provisions.

The Government’s alternative proposal, to introduce a toggle to filter out harmful content, is unworkable. Replacing the sections of this Bill that could have gone some way towards preventing harm with an emphasis on free speech instead undermines the very purpose of the Bill. It will embolden abusers, covid deniers, hoaxers and others, who will feel encouraged to thrive online.

In Committee, the Government also chose to remove important clauses from the Bill that were in place to keep adults safe online. Without the all-important risk assessments for adults, I must press the Minister on an important point: exactly how will this Bill do anything to keep adults safe online? The Government know all that, but have still pursued a course of action that will see the Bill watered down entirely.

Kim Leadbeater (Batley and Spen) (Lab): Does my hon. Friend agree that, as we discussed in the Bill Committee, there is clear evidence that legal but harmful content is often the gateway to far more dangerous radicalisation and extremism, be it far-right, Islamist, incel or other? Will she therefore join me in supporting amendment 43 to ensure that by default such content is hidden from all adult users?

Alex Davies-Jones: I completely support my hon. Friend's comments and I was pleased to see her champion that cause in the Bill Committee. Of course I support amendment 43, tabled in the names of SNP colleagues, to ensure that the toggle is on by default. Abhorrent material is being shared and amplified—that is the key point, amplified—online by algorithms and by the processes and systems in place. It is obvious that the Government just do not get that. That said, there is a majority in Parliament and in the country for strengthening the Online Safety Bill, and Labour has been on the front foot in arguing for a stronger Bill since First Reading last year.

It is also important to recognise the sheer number of amendments and changes we have seen to the Bill so far. Even today, there are many more amendments tabled by the Government. If that does not give an indication of the mess they have made of getting this legislation over the line in a fit and proper state, I do not know what does.

I have said it before, and I am certain I will say it again, but we need to move forward with this Bill, not backward. That is why, despite significant Government delay, we will support the Bill's Third Reading, as each day of inaction allows more harm to spread online. With that in mind, I too will make some progress.

I will first address new clause 1, tabled in my name and that of my hon. Friend the Member for Manchester Central (Lucy Powell). This important addition to the Bill will go some way to address the gaps around support for individual complaints. We in the Opposition have repeatedly queried Ministers and the Secretary of State on the mechanisms available for individuals who have appeals of complaints. That is why new clause 1 is so important. It is vital that platforms' complaints procedures are fit for purpose, and this new clause will finally see the Secretary of State publishing a report on the options available to individuals.

We already know that the Bill in its current form fails to consider an appropriate avenue for individual complaints. This is a classic case of David and Goliath, and it is about time those platforms went further in giving their users a transparent, effective complaints process. That substantial lack of transparency underpins so many of the issues Labour has with the way the Government have handled—or should I say mishandled—the Bill so far, and it makes the process by which the Government proceeded to remove the all-important clauses on legal but harmful content, in a quiet room on Committee Corridor just before Christmas, even more frustrating.

That move put the entire Bill at risk. Important sections that would have put protections in place to prevent content such as health and foreign-state disinformation, the promotion of self-harm, and online abuse and harassment from being actively pushed and promoted were rapidly removed by the Government. That is not good enough, and it is why Labour has tabled a series of amendments,

including new clauses 4, 5, 6 and 7, that we think would go some way towards correcting the Government's extremely damaging approach.

Under the terms of the Bill as currently drafted, platforms could set whatever terms and conditions they want and change them at will. We saw that in Elon Musk's takeover at Twitter, when he lifted the ban on covid disinformation overnight because of his own personal views. Our intention in tabling new clause 4 is to ensure that platforms are not able to simply avoid safety duties by changing their terms and conditions whenever they see fit. This group of amendments would give Ofcom the power to set minimum standards for platforms' terms and conditions, and to direct platforms to change them if they do not meet those standards.

Andrew Gwynne (Denton and Reddish) (Lab): My hon. Friend is making an important point. She might not be aware of it, but I recently raised in the House the case of my constituents, whose 11-year-old daughter was groomed on the music streaming platform Spotify and was able to upload explicit photographs of herself on that platform. Thankfully, her parents found out and made several complaints to Spotify, which did not immediately remove that content. Is that not why we need the ombudsman?

Alex Davies-Jones: I am aware of that case, which is truly appalling and shocking. That is exactly why we need such protections in the Bill: to stop those cases proliferating online, to stop the platforms from choosing their own terms of service, and to give Ofcom real teeth, as a regulator, to take on those challenges.

Damian Collins (Folkestone and Hythe) (Con): Does the hon. Lady accept that the Bill does give Ofcom the power to set minimum safety standards based on the priority legal offences written into the Bill? That would cover almost all the worst kinds of offences, including child sexual exploitation, inciting violence and racial hatred, and so on. Those are the minimum safety standards that are set, and the Bill guarantees them.

Alex Davies-Jones: What is not in those minimum safety standards is all the horrendous and harmful content that I have described: covid disinformation, harmful content from state actors, self-harm promotion, antisemitism, misogyny and the incel culture, all of which is proliferating online and being amplified by the algorithms. This set of minimum safety standards can be changed overnight.

Damian Collins: As the hon. Lady knows, foreign-state disinformation is covered because it is part of the priority offences listed in the National Security Bill, so those accounts can be disabled. Everything that meets the criminal threshold is in this Bill because it is in the National Security Bill, as she knows. The criminal threshold for all the offences she lists are set in schedule 7 of this Bill.

Alex Davies-Jones: That is just the problem, though, isn't it? A lot of those issues would not be covered by the minimum standards—that is why we have tabled new clause 4—because they do not currently meet the legal threshold. That is the problem. There is a grey area of incredibly harmful but legal content, which is proliferating online, being amplified by algorithms and

by influencers—for want of a better word—and being fed to everybody online. That content is then shared incredibly widely, and that is what is causing harm and disinformation.

Damian Collins: Will the hon. Lady give way one more time?

Alex Davies-Jones: No, I will not. I need to make progress; we have a lot to cover and a lot of amendments, as I have outlined.

Under the terms of the Bill, platforms can issue whatever minimum standards they wish and then simply change them at will overnight. In tabling new clause 4, our intention is to ensure that the platforms are not able to avoid safety duties by changing their terms and conditions. As I have said, this group of amendments will give Ofcom the relevant teeth to act and keep everybody safe online.

We all recognise that there will be a learning curve for everyone involved once the legislation is enacted. We want to get that right, and the new clauses will ensure that platforms have specific duties to keep us safe. That is an important point, and I will continue to make it clear at every opportunity, because the platforms and providers have, for far too long, got away with zero regulation—nothing whatsoever—and enough is enough.

During the last Report stage, I made it clear that Labour considers individual liability essential to ensuring that online safety is taken seriously by online platforms. We have been calling for stronger criminal sanctions for months, and although we welcome some movement from the Government on that issue today, enforcement is now ultimately a narrower set of measures because the Government gutted much of the Bill before Christmas. That last minute U-turn is another one to add to a long list, but to be frank, very little surprises me when it comes to this Government's approach to law-making.

Sir John Hayes (South Holland and The Deepings) (Con): I have to say to the hon. Lady that to describe it as a U-turn is not reasonable. The Government have interacted regularly with those who, like her, want to strengthen the Bill. There has been proper engagement and constructive conversation, and the Government have been persuaded by those who have made a similar case to the one she is making now. I think that warrants credit, rather than criticism.

Alex Davies-Jones: I completely disagree with the right hon. Member, because we voted on this exact amendment before Christmas in the previous Report stage. It was tabled in the name of my right hon. Friend the Member for Barking (Dame Margaret Hodge), and it was turned down. It was word for word exactly the same amendment. If this is not anything but a U-turn, what is it?

I am pleased to support a number of important amendments in the names of the hon. Members for Aberdeen North (Kirsty Blackman) and for Ochil and South Perthshire (John Nicolson). In particular, I draw colleagues' attention to new clause 3, which would improve the child empowerment duties in the Bill. The Government may think they are talking a good game on child safety, but it is clear to us all that some alarming gaps remain. The new clause would go some way to ensuring that the systems and processes behind platforms will go further in keeping children safe online.

In addition, we are pleased, as I have mentioned, to support amendment 43, which calls for the so-called safety toggle feature to be turned on by default. When the Government removed the clause relating to legal but harmful content in Committee, they instead introduced a requirement for platforms to give users the tools to reduce the likelihood of certain content appearing on their feeds. We have serious concerns about whether this approach is even workable, but if it is the route that the Government wish to take, we feel that these tools should at least be turned on by default.

Debbie Abrahams (Oldham East and Saddleworth) (Lab): Since my hon. Friend is on the point of safeguarding children, will she support Baroness Kidron as the Bill progresses to the other House in ensuring that coroners have access to data where they suspect that social media may have played a part in the death of children?

Alex Davies-Jones: I can confirm that we will be supporting Baroness Kidron in her efforts. We will support a number of amendments that will be tabled in the Lords in the hope of strengthening this Bill further, because we have reached the limit of what we can do in this place. I commend the work that Baroness Kidron and the 5Rights Foundation have been doing to support children and to make this Bill work to keep everybody online as safe as possible.

Supporting amendment 43 would send a strong signal that our Government want to put online safety at the forefront of all our experiences when using the internet. For that reason, I look forward to the Minister seriously considering this amendment going forward. Scottish National party colleagues can be assured of our support, as I have previously outlined, should there be a vote on that.

More broadly, I highlight the series of amendments tabled in my name and that of my hon. Friend the Member for Manchester Central that ultimately aim to reverse out of the damaging avenue that the Government have chosen to go to down in regulating so-called legal but harmful content. As I have already mentioned, the Government haphazardly chose to remove those important clauses in Committee. They have chopped and changed this Bill more times than any of us can remember, and we are now left with a piece of legislation that is even more difficult to follow and, importantly, implement than when it was first introduced. We can all recognise that there is a huge amount of work to be done in making the Bill fit for purpose. Labour has repeatedly worked to make meaningful improvements at every opportunity, and it will be on the Government's hands if the Bill is subject to even more delay. The Minister knows that, and I sincerely hope that he will take these concerns seriously. After all, if he will not listen to me, he would do well to listen to the mounting concerns raised by Members on his own Benches instead.

Several hon. Members *rose*—

Madam Deputy Speaker (Dame Rosie Winterton): I have noticed that some people are standing who may not have applied earlier. If anybody is aware of that, can they let me know, and I can adjust timings accordingly? At the moment, my estimate is that if everybody takes no longer than seven minutes, and perhaps more like six, we can get everybody in comfortably without having to impose a time limit.

Priti Patel (Witham) (Con): I rise to speak to new clause 2 on the offence of failing to comply with a relevant duty. I pay tribute to my right hon. and hon. Friends who have championed new clause 2 to strengthen protections for children by introducing criminal liability for senior managers.

6 pm

We have discussed this issue already in this Chamber. I thank charities and campaigners such as the National Society for the Prevention of Cruelty to Children for raising awareness and for being constructive and assiduous. I also thank the families who, through voicing their own pain and suffering, have given impetus to this issue. I thank those on the Front Bench; it is fair to say that I have had constructive dialogue with the Minister and the Secretary of State. They listened to our concerns and accepted that this issue had to be addressed.

As we debate this new clause and other aspects of the Bill, we should begin as we did last time by thinking of those who face tragedy and distress as a result of accessing inappropriate content online. Children and vulnerable people have been failed by tech companies and regulation. We have the duty and responsibility to step up and tighten the law, and protect children from online harms, exploitation and inappropriate content. That must be at the heart and centre of a lot of the legislation—not just this Bill but going forward. Throughout the various debates, and at Committee stage, we have touched on the fact that technology is evolving and changing constantly. With that, we must keep on building upon insights.

New clause 2 does simple and straightforward things. It makes senior managers liable and open to being prosecuted for failing to proactively promote and support the safety duties in clause 11. As it stands, the Bill's criminal liability provisions fall short of what is expected or required. Criminal liability for failing to comply with an information notice from Ofcom is welcome. Ofcom has a very important role to play—I do not need to emphasise that any more. But the Bill does not go far enough, and Ministers have recognised that. We must ensure that all the flaws and failings are sanctionable and that the laws are changed in the right way. It is not just about the laws for the Government Department leading the Bill; it cuts across other Government Departments. We have touched on that many times before.

More than 80% of the public agree that senior tech managers should be held legally responsible, to prevent harm to children on social media. That is a statement of the obvious, as we have seen such abhorrent and appalling harms take place. Around two thirds want managers to be prosecuted when failures result in serious harm. But harm can happen prior to an information notice being issued by Ofcom—again, we have discussed that.

The public need assurances that these companies will have the frameworks and safeguards to act responsibly and be held to account so that children and vulnerable individuals are protected. That means meaningful actions, not warm words. We should have proactivity when developing the software, algorithms and technology to be responsive. We must ensure that measures are put in place to hold people to account, and that sanctions cover company law, accountability, health and safety and other areas. Ireland has been mentioned throughout the passage of this Bill. That is important. My colleagues who will speak shortly have also touched on similar provisions.

It is right that we put these measures in the Bill for the serious failures to protect children. This is a topical issue. In fact, a number of colleagues met tech companies and techUK yesterday, as did I. We have an opportunity to raise the bar in the United Kingdom so that technology investment still comes forward and the sector continues to grow and flourish in the right way and for the right reasons. We want to see that.

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): The issues of evolving technology and holding people to account are hugely important. May I make the general point that digital education could underpin all those safeguards? The teaching of digital literacy should be conducted in parallel with all the other good efforts made across our schools.

Priti Patel: The hon. Member is absolutely right, and I do not think anyone in the House would disagree with that. We have to carry on learning in life, and that links to technology and other issues. That applies to all of us across the board, and we need people in positions of authority to ensure that the right kind of information is shared, to protect our young people.

I look forward to hearing from the Under-Secretary of State for Digital, Culture, Media and Sport, my hon. Friend the Member for Sutton and Cheam (Paul Scully), who has been so good in engaging on this issue, and I thank him for the proactive way in which he has spent time with all of us. Will we see the Government's amendment prior to the Bill going to the other place for its Second Reading there? It is vital for all colleagues who support new clause 2 to have clear assurances that the provisions we support, which could have passed through this House, will not be diluted in the other place by Ministers. Furthermore—we should discuss this today—what steps are the Government and Ofcom taking to secure the agreement of tech companies to work to ensure that senior managers are committed and proactive in meeting their duties under clause 11?

I recognise that a lot of things will flow through secondary legislation, but on top of that, engagement with tech companies is vital, so that they can prepare, be ready and know what duties will be upon them. We also need to know what further guidance and regulation will come forward to secure the delivery of clause 11 duties and hold tech companies to account.

In the interests of time, I will shorten my remarks. I trust and hope that Ministers will give those details. It is important to give those assurances before the Bill moves to the House of Lords. We need to know that those protections will not be diluted. This is such a sensitive issue. We have come a long way, and that is thanks to colleagues on both sides of the House. It is important that we get the right outcomes, because all of us want to make sure that children are protected from the dreadful harms that we have seen online.

Dame Margaret Hodge (Barking) (Lab): This is a really important piece of legislation. As my hon. Friend the Member for Pontypridd (Alex Davies-Jones) said, it has taken far too long to get to this point. The Bill has been considered in a painstaking way by Members across the House. While today's announcement that we will introduce senior manager and director liability is most welcome, the recent decisions to strip out vast chunks of the Bill—clauses that would have contributed

to making online a safe place for us all—represent a tragic opportunity missed by the Government, and it will fall to a Labour Government to put things right. I know from the assurances given by those on our Front Bench that they will do just that.

I do not want to spend too much time on it, but in discussing the removal of provisions on “legal but harmful” content, I have to talk a little bit about the Jewish community. The hope that the Online Safety Bill would give us some respite from the torrent of antisemitic abuse that some of us have been subjected to has been thwarted. The Centre for Countering Digital Hate has conducted research in this area, and it found that nine out of 10 antisemitic posts on Facebook and Twitter stay there, despite requests to have them removed. Its analysis of 714 posts containing anti-Jewish hate found that they were viewed by more than 7.3 million people across the platforms, and that 80% of posts containing holocaust denial and 70% identified as neo-Nazi were not acted on, although they were in breach of the rules set by the platforms. People like me are left with a sense of bitterness that our suffering has to be tolerated because of some ideological, misplaced, flawed and ill-thought-out interpretation of freedom of speech.

I turn to new clause 2, tabled by the hon. Member for Stone (Sir William Cash) and the hon. Member for Penistone and Stocksbridge (Miriam Cates). I congratulate them on the work they have done in bringing this forward. I think they will probably agree with me that this issue should never have divided us as it did before Christmas, when I tabled a similar amendment. It is not a party political issue; it is a common-sense measure that best serves the national interest and will make online a safer place for children. I am pleased that the hon. Members for Stone and for Penistone and Stocksbridge have persuaded their colleagues of the justification and that the Government have listened to them—I am only sorry that I was not as successful.

This is an important measure. The business model that platforms operate encourages, not just passively but actively, the flourishing of abusive content online. They do not just fail to remove that content, but actively promote its inclusion through the algorithms that they employ. Sadly, people get a kick out of reading hateful, harmful and abusive content online, as the platform companies and their senior managers know. It is in their interest to encourage maximum traffic on their platforms, and if that means letting people post and see vile abuse, they will. The greater the traffic on such sites, the more attractive they become to advertisers and the more advertisers are willing to pay for the ads that they post on the sites. The platforms make money out of online abuse.

Originally, the Government wanted to deal with the problem by fining the companies, but companies would simply treat such fines as a cost to their business. It would not change their model or the platforms’ behaviour, although it might add to the charges for those who want to advertise on the platforms. Furthermore, we know that senior directors, owners and managers personally take decisions about the content that they allow to appear on their platforms and that their approach affects what people post.

Elon Musk’s controversial and aggressive takeover of Twitter, where he labelled the sensible moderation of content as a violation of freedom of speech, led to a

500% increase in the use of the N-word within 12 hours of his acquisition. Telegram, whose CEO is Pavel Durov, has become the app of choice of terror networks such as ISIS, according to research conducted by the Middle East Media Research Institute. When challenged about that, however, Durov refused to act on the intelligence to moderate content and said:

“You cannot make messaging technology secure for everybody except for terrorists.”

If senior managers have responsibility for the content on their platforms, they must be held to account, because we know that doing so will mean that online businesses become a safer place for our children.

We have to decide whose side we are on. Are we really putting our children’s wellbeing first, or are we putting the platforms’ interest first? Of course, everybody will claim that we are putting children’s interests first, but if we are, we have to put our money where our mouth is, which involves making the managers truly accountable for what appears on their platforms. We know that legislating for director liability works, because it has worked for health and safety on construction sites, in the Bribery Act 2010 and on tax evasion. I hope to move similar amendments when we consider the Economic Crime and Corporate Transparency Bill on Report next week.

This is not simply a punitive measure—in fact, the last thing we want to do is lock up a lot of platform owners—but a tool to transform behaviour. We will not be locking up the tech giants, but we will be ensuring that they moderate their content. Achieving this change shows the House truly working at its best, cross-party, and focusing on the merits of the argument rather than playing party politics with such a serious issue. I commend new clause 2 to the House.

Several hon. Members rose—

Madam Deputy Speaker (Dame Rosie Winterton): I remind hon. Members about the six-minute advisory time limit.

Dame Caroline Dinenage (Gosport) (Con): It is a great relief to see the Online Safety Bill finally reach this stage. It seems like a long time since my right hon. and learned Friend the Member for Kenilworth and Southam (Sir Jeremy Wright) kicked it off with the ambitious aim of making the UK the safest place in the world to be online. Although other countries around the world had picked at the edges of it, we were truly the first country in the world to set out comprehensive online safety legislation. Since then, other jurisdictions have started and, in some cases, concluded this work. As one of the relay of Ministers who have carried this particular baton of legislation on its very long journey, I know we are tantalising close to getting to the finish line. That is why we need to focus on that today, and I am really grateful to the hon. Member for Pontypridd (Alex Davies-Jones) for confirming that the Opposition are going to support the Bill on Third Reading.

6.15 pm

We know that the internet is magnificent and life-changing in so many ways, but the dark corners remain a serious concern with regard particularly to children, but also to scores of other vulnerable people. Of course, the priorities of this Bill must be to protect children, to root out illegal content, and to hold the online platforms

to account and ensure they are actually doing what they say they are doing when it comes to the dangerous content on their sites. I warmly welcome the Minister and the Secretary of State's engagement on these particular aspects of the Bill and how they have worked really hard to strengthen it.

This legislation is so vital for our children. The National Society for the Prevention of Cruelty to Children has estimated that more than 21,000 online child sex crimes have been recorded by the police just in the time this legislation has been delayed since last summer.

Richard Graham (Gloucester) (Con): Does my hon. Friend agree that the new crime of cyber-flashing is one instance of how this Bill has been improved? It should also help to reduce some of the violence against women and girls, which is a major issue of our time.

Dame Caroline Dinenage: My hon. Friend is absolutely right to raise this, because we do need the Bill to be future-proofed to deal with some of the recently emerging threats to women and others that the online world has offered.

The potential threat of online harms is everyday life for most children in the modern world. Before Christmas, I received an email from my son's school highlighting a TikTok challenge encouraging children to strangle each other until they passed out. This challenge probably did not start on TikTok, and it certainly is not exclusive to the platform, but when my children were born I never envisaged a day when I would have to sit them down and warn them about the potential dangers of allowing someone else to throttle them until they passed out. It is terrifying. Our children need this legislation.

I welcome the Government support for amendment 84 to clause 11, in the name of my hon. Friend the Member for Rutland and Melton (Alicia Kearns), to ban content that advertises so-called conversion therapies for LGBTQ+ people. Someone's sexuality and who they love is not something to be cured, and unscrupulous crooks should not be able to profit from pushing young people towards potentially sinister and harmful treatments.

I really sympathise with the aims behind new clause 2, on senior executive liability. It is vital that this regime has the teeth to protect children and hold companies to account. I know the 10% of annual global turnover maximum fine is higher than some of the global comparisons, and certainly having clear personal consequences for those responsible for enforcing the law is an incentive for them to do it properly, but there is clearly a balance to strike. We must make sure that sanctions are proportionate and targeted, and do not make the UK a less attractive place to build a digital business. I am really pleased to hear Ministers' commitment to a final amendment that will strike that really important balance.

I am concerned about the removal of measures on legal but harmful content. I understand the complexity of defining them, but other measures, including the so-called triple shield, do not offer the same protections for vulnerable adults or avoid the cliff edge when someone reaches the age of 18. That particularly concerns me for adults with special educational needs or disabilities. The key point here is that, if the tragic cases of Molly Russell and dozens of young people like her teach us anything, it is that dreadful, harmful online content cannot be

defined strictly by what is illegal, because algorithms do not differentiate between harmful and harmless content. They see a pattern and they exploit it.

We often talk about the parallels between the online and offline world—we say that what is illegal online should be illegal offline, and vice versa—but in reality the two worlds are fundamentally different. In the real world, for a young person struggling with an eating disorder or at risk of radicalisation, their inner demons are not reinforced by everyone they meet on the street, but algorithms are echo chambers. They take our fears and our paranoia, and they surround us with unhealthy voices that normalise and validate them, however dangerous and however hateful, glamorising eating disorders, accelerating extremist, racist and antisemitic views and encouraging violent misogyny on incel sites.

That is why I worry that the opt-out option suggested in the Bill simply does not offer enough protection: the lines between what is legal and illegal are too opaque. Sadly, it feels as though this part of the Bill has become the lightning rod for those who think it will result in an overly censorious approach. However, we are where we are. As the Molly Rose Foundation said, the swift implementation of the Bill must now be the priority. Time is no longer on our side, and while we perfect this vast, complicated and inherently imperfect legislation, the most unspeakable content is allowed to proliferate in the online world every single day.

Finally, I put on record the exhaustive efforts made by the incredible team at the Department for Digital, Culture, Media and Sport and the Home Office, who brought this Bill to fruition. If there was ever an example of not letting the perfect be the enemy of the good, this is it, and right now we need to get this done. The stakes in human terms simply could not be any higher.

Madam Deputy Speaker (Dame Rosie Winterton): I call the SNP spokesperson, Kirsty Blackman.

Kirsty Blackman (Aberdeen North) (SNP): I congratulate the hon. Member for Gosport (Dame Caroline Dinenage) on what was one of the best speeches on this Bill—and we have heard quite a lot. It was excellent and very thoughtful. I will speak to a number of amendments. I will not cover the Labour amendments in any detail because, as ever, the Labour Front Benchers did an excellent job of that. The right hon. Member for Barking (Dame Margaret Hodge) covered nicely the amendment on liability, and brought up the issue of hate, particularly when pointed towards the Jewish community. I thank her for consistently bringing that up. It is important to hear her voice and others on this issue.

Amendment 43 was tabled by me and my hon. Friend the Member for Ochil and South Perthshire (John Nicolson) and it regards a default toggle for material that we all agree is unsafe or harmful. The Labour party has said that it agrees with the amendment, and the SNP believes that the safest option should be the default option. We should start from a point of view that if anybody wants to see eating disorder content, or racist or incredibly harmful content that does not meet the bar of illegality, they should have to opt in to receive it. They should not see it by default; they should have to make that choice to see such content.

Freedom of speech is written into the Bill. People can say whatever they want as long as it is below that bar of illegality, but we should not have to read it. We should

not have to read abuse that is pointed toward minority groups. We should start from the position of having the safest option on. We are trying to improve the permissive approach that the Government have arrived at, and this simple change is not controversial. It would require users to flip a switch if they want to opt in to some of the worst and most dangerous content available online, including pro-suicide, pro-anorexia or pro-bulimia content, rather than leaving that switch on by default.

If the Government want the terms and conditions to be the place where things are excluded or included, I think platforms should have to say, “We are happy to have pro-bulimia or pro-anorexia content.” They should have to make that clear and explicit in their terms of service, rather than having to say, “We do not allow x, y and z.” They should have to be clear, up front and honest with people, because then people would know what they are signing up to when they sign up to a website.

Amendment 44 is on habit forming features, and we have not spoken enough about the habit forming nature of social media in particular. Sites such as TikTok, Instagram and Facebook are set up to encourage people to spend time on them. They make money by encouraging people to spend as much time on them as possible—that is the intention behind them. We know that 42% of respondents to a survey by YoungMinds reported displaying signs of addiction-like behaviour when questioned about their social media habits. Young people are worried about that, and they do not necessarily have the tools to avoid it. We therefore tabled amendment 44 to take that into account, and to require platforms to consider that important issue.

New clause 3, on child user empowerment, was mentioned earlier. There is a bizarre loophole in the Bill requiring user empowerment toggles for adults but not for children. It is really odd not to require them for children when we know that they will be able to see some of this content and access features that are much more inherently dangerous to them than to adults. That is why we tabled amendments on private messaging features and live streaming features.

Live streaming is a place where self-generated child sexual abuse has shot through the roof. With child user empowerment, children would have to opt in, and they would have empowerment tools to allow them opportunities to say, “No, I don’t want to be involved in live streaming,” or to allow their parents to say, “No, I don’t want my child to be able to do live streaming when they sign up to Instagram. I don’t want them able to share live photos and to speak to people they don’t know.” Amendment 46, on private messaging features, would allow children to say, “No, I don’t want to get any private messages from anyone I don’t know.” That is not written into terms of service or in the Bill as a potentially harmful thing, but children should be able to exclude themselves from having such conversations.

We have been talking about the relationship between real life and the online world. If a child is playing in a play park and some stranger comes up and talks to them, the child is perfectly within their rights to say, “No, I’m not speaking to strangers. My parents have told me that, and it is a good idea not to speak to strangers,” but they cannot do that in the online world. We are asking for that to be taken into account and for platforms to allow private messaging and live streaming features to be switched off for certain groups of people.

If they were switched off for children under 13, that would make Roblox, for example, a far safer place than it currently is.

I turn to amendment 84, on conversion therapy. I am glad that the amendment was tabled and that there are moves by the UK Government to bring forward the conversion therapy ban. As far as I am aware—I have been in the Chamber all day—we have not yet seen that legislation, but I am told that it will be coming. I pay tribute to all those who have worked really hard to get us to the position where the Government have agreed to bring forward a Bill. They are to be commended on that. I am sorry that it has taken this long, but I am glad that we are in that position. The amendment was massively helpful in that.

Lastly, I turn to amendment 50, on the risk of harm. One of the biggest remaining issues with the Bill is about the categorisation of platforms, which is done on the basis of their size and the risk of their features. The size of the platform—the number of users on it—is the key thing, but that fails to take into account very small and incredibly harmful platforms. The amendment would give Ofcom the power to categorise platforms that are incredibly harmful—incel forums, for example, and Kiwi Farms, set up entirely to dox trans people and put their lives at risk—as category 1 platforms and require them to meet all the rules, risk assessments and things for those platforms.

We should be asking those platforms to answer for what they are doing, no matter how few members they have or how small their user base. One person being radicalised on such a platform is one person too many. Amendment 50 is not an extreme amendment saying that we should ban all those platforms, although we probably should. It would ask Ofcom to have a higher bar for them and require them to do more.

I cannot believe that we are here again and that the Bill has taken so long to get to this point. I agree that the Bill is far from perfect, but it is better than nothing. The SNP will therefore not be voting against its Third Reading, because it is marginally better than the situation that we have right now.

Sir Jeremy Wright (Kenilworth and Southam) (Con): I want to say in passing that I support amendments 52 and 53, which stand in the name of my hon. Friend the Member for Stroud (Siobhan Baillie) and others. She will explain them fully so I do not need to, but they seem to be sensible clarifications that I hope the Government will consider favourably.

6.30 pm

I want to focus on new clause 2. I have said before, and am happy to repeat it, that the individual criminal liability provided for in the Bill as it stands is too limited. Attaching it to information offences only means that, in effect, very bad behaviour cannot be penalised under the criminal law as long as the perpetrator is prepared to provide Ofcom with information about it. That cannot be sensible so there is a strong case for extending criminal liability, but new clause 2 goes too far. There are, fundamentally, two problems with new clause 2.

First, new clause 2 is drafted too broadly. It would potentially criminalise any breach of a safety duty under clause 11, the clause relating to children. We all,

of course, think that keeping children safer online is a core mission of the Bill. I hope Ministers will consider favourably various other amendments that might achieve that, including the amendments in the name of the noble Baroness Kidron, which the hon. Member for Pontypridd (Alex Davies-Jones) mentioned earlier, in relation to coroners and all services likely to be accessed by children. Clause 11 covers a variety of different duties, including duties to incorporate certain provisions in terms of service and to ensure that terms of service are clear and accessible. Those are important duties no doubt, but I am not convinced that any and all failures to fulfil them should result in criminal prosecution.

Sir William Cash (Stone) (Con): I thought I might mention to my right hon. and learned Friend that the written ministerial statement, which is now available to the public, makes it clear that useful and constructive discussions have taken place. Much of what he is saying is not necessarily applicable to the state of affairs we are now faced with.

Sir Jeremy Wright: I am grateful to my hon. Friend and I will come on to the written statement. I accept what he says. I think we are heading in the right direction, but since new clause 2 is before us at the moment, it seemed to me that I ought to address it, I hope in a helpful way.

There is nothing in the language of new clause 2 as it stands that requires a breach of the duties to be serious or even more than minimal. We should be more discriminating than that.

The second difficulty with new clause 2, which I hope the Government will pick up when they look at it again, is with prosecuting successfully the sorts of offences we may create. The more substantive and fundamental child safety duties in clause 11, which are to

“mitigate and manage the risks of harm”

and to prevent children encountering harmful content, are expressed in terms of the use of “proportionate measures” or “proportionate systems and processes”. The word “proportionate” is important and describes the need for balanced judgments to be made, including by taking into account freedom of expression and privacy as required by clause 11 itself. Aside from the challenges of obtaining evidence of what individual managers did or did not know, did or said, those balanced judgments could be very difficult for a prosecutor to assess and to demonstrate to a criminal court, to the required standard of proof, were deliberately or negligently wrong.

The consequences of that difficulty could either be that it becomes apparent that the cases are very hard to prosecute, and therefore criminal liability is not the deterrent we hoped for, or that wide criminal liability causes the sort of risk aversion and excessive take-down of material that I know worries my hon. Friend the Member for Stone (Sir William Cash) and others who support new clause 2. We therefore need to calibrate criminal liability appropriately.

It is also worth saying that if we are to pursue an extension of criminal liability, I am not sure that I see the logic of limiting that further criminal liability only to breaches of the child safety duties; I can envisage some breaches of safety duties in relation to illegal content that may also be deserving of such liability.

That leads me on to consider, as has been said, exactly how we might extend criminal liability differently. I appreciate that the Government will now be doing just that. Perhaps they can consider doing so in relation to serious or persistent breaches of the safety duties, rather than in relation to all breaches of safety duties.

Alternatively, or additionally, they could look at individual criminal liability for a failure to comply with a confirmed notice of contravention from Ofcom. I welcome the direction of travel set out in the written ministerial statement, which suggests that that is where the Government may go. As the statement says, the recent Irish legislation that has been prayed in aid does something very similar, and it is an approach with several advantages: it is easier to prove, we will know whether Ofcom has issued a notice requiring action to remedy a deficient approach to the safety duties, and we will know whether Ofcom believes that it has not been responded to adequately.

As we design a new system of regulation in this new era of regulation, we should want open conversations to take place between the regulator and the regulated as to how best to counter harms. Anything that discourages platforms and their directors from doing so may make the system we are designing work less well in promoting safety online. The approach that I think the Government will now consider is unlikely to do that.

Let me say one final thing. As my hon. Friend the Member for Gosport (Dame Caroline Dinenage) said, I have been involved in the progress of this Bill almost from the start, and I am delighted to see present my right hon. Friend the Member for Maidenhead (Mrs May), at whose instruction I started doing it. It has been tortuous progress, no doubt—to some extent that was inevitable because of the difficulty of the Bill and the territory in which we seek to legislate—but the hon. Member for Aberdeen North (Kirsty Blackman), who speaks for the SNP and for whom I have a good deal of respect, was probably a little grudging in suggesting that as it stands the Bill does only slightly better than the status quo. It does a lot more than that.

If we send the Bill to the other place this evening, as I hope we do, and if the other place considers it again with some thoroughness and seeks to improve it further, as I know it will, we will make the internet not a safe place—I do not believe that is achievable—but a significantly safer place. If we can do that, it will be the most important thing that most of us in this place have ever done.

Several hon. Members rose—

Madam Deputy Speaker (Dame Rosie Winterton): Order. Things are not going quite according to plan, so colleagues might perhaps like to gear more towards five minutes as we move forward.

Luke Pollard (Plymouth, Sutton and Devonport) (Lab/Co-op): I rise to speak in favour of new clause 4, on minimum standards. In particular, I shall restrict my remarks to minimum standards in respect of incel culture.

Colleagues will know of the tragedy that took place in Plymouth in 2021. Indeed, the former Home Secretary, the right hon. Member for Witham (Priti Patel), visited Plymouth to meet and have discussions with the people involved. I really want to rid the internet of the disgusting, festering incel culture that is capturing so many of our

young people, especially young men. In particular, I want minimum standards to apply and to make sure that, on big and small platforms where there is a risk, those minimum standards include the recognition of incel content. At the moment, incel content is festering in the darkest corners of the internet, where young men are taught to channel their frustrations into an insidious hatred of women and to think of themselves as brothers in arms in a war against women. It is that serious.

In Parliament this morning I convened a group of expert stakeholders, including those from the Centre for Countering Digital Hate, Tech Against Terrorism, Moonshot, Girlguiding, the Antisemitism Policy Trust and the Internet Watch Foundation, to discuss the dangers of incel culture. I believe that incel culture is a growing threat online, with real-world consequences. Incels are targeting young men, young people and children to swell their numbers. Andrew Tate may not necessarily be an incel, but his type of hate and division is growing and is very popular online. He is not the only one, and the model of social media distribution that my right hon. Friend the Member for Barking (Dame Margaret Hodge) spoke about incentivises hate to be viewed, shared and indulged in.

This Bill does not remove incel content online and therefore does not prevent future tragedies. As chair of the all-party parliamentary group on social media, I want to see minimum standards to raise the internet out of the sewer. Where is the compulsion for online giants such as Facebook and YouTube to remove incel content? Five of the most popular incel channels on YouTube have racked up 140,000 subscribers and 24 million views between them, and YouTube is still platforming four of those five. Why? How can these channels apparently pass YouTube's current terms and conditions? The content is truly harrowing. In these YouTube videos, men who have murdered women are described as saints and lauded in incel culture.

We know that incels use mainstream platforms such as YouTube to reel in unsuspecting young men—so-called normies—before linking them to their own small, specialist websites that show incel content. This is called breadcrumbing: driving traffic and audiences from mainstream platforms to smaller platforms—which will be outside the scope of category 1 provisions and therefore any minimum standards—where individuals start their journey to incel radicalisation.

I think we need to talk less about freedom of speech and more about freedom of reach. We need to talk about enabling fewer and fewer people to see that content, and about down-ranking sites with appalling content like this to increase the friction to reduce audience reach. Incel content not only includes sexist and misogynist material; it also frequently includes anti-Semitic, racist, homophobic and transphobic items layered on top of one another. However, without a “legal but harmful” provision, the Bill does nothing to force search engines to downrate harmful content. If it is to be online, it needs to be harder and harder to find.

I do not believe that a toggle will be enough to deal with this. I agree with amendment 43—if we are to have a toggle, the default should be the norm—but I do not think a toggle will work because it will be possible to evade it with a simple Google Chrome extension that will auto-toggle and therefore make it almost redundant immediately. It will be a minor inconvenience, not a

game changer. Some young men spent 10 hours a day looking at violent incel content online. Do we really think that a simple button, a General Data Protection Regulation annoyance button, will stop them from doing so? It will not, and it will not prevent future tragedies.

However, this is not just about the effect on other people; it is also about the increase in the number of suicides. One of the four largest incel forums is dedicated to suicide and self-harm. Suicide is normalised in the forum, and is often referred to as “catching the bus.” People get together to share practical advice on how they can take their own lives. That is not content to which we should be exposing our young people, but it is currently legal. It is harmful, but it will remain legal under the Bill because the terms and conditions of those sites are written by incels to promote incel content. Even if the sites were moved from category 2 to category 1, they would still pass the tests in the Bill, because the incels have written the terms and conditions to allow that content.

Why are smaller platforms not included in the Bill? Ofcom should have the power to bring category 2 sites into scope on the basis of risk. Analysis conducted by the Center for Countering Digital Hate shows that on the largest incel website, rape is mentioned in posts every 29 minutes, with 89% of those posts referring to it in a positive sense. Moreover, 50% of users' posts about child abuse on the same site are supportive of paedophilia. Indeed, the largest incel forum has recently changed its terms and conditions to allow mention of the sexualisation of pubescent minors—unlike pre-pubescent minors; it makes that distinction. This is disgusting and wrong, so why is it not covered in the Bill? I think there is a real opportunity to look at incel content, and I would be grateful if the Minister met the cross-party group again to discuss how we can ensure that it is harder and harder to find online and is ultimately removed, so that we can protect all our young people from going down this path.

Damian Collins: My right hon. and learned Friend the Member for Kenilworth and Southam (Sir Jeremy Wright) made an excellent speech about new clause 2, a clause with which I had some sympathy. Indeed, the Joint Committee that I chaired proposed that there should be criminal liability for failure to meet the safety duties set out in the Bill, and that that should apply not just to child safety measures, but to any such failure.

However, I agree with my right hon. and learned Friend that, as drafted, the new clause is too wide. If it is saying that the liability exists when the failure to meet the duties has occurred, who will be the determinant of that factor? Will it be determined when Ofcom has issued a notice, or when it has issued a fine? Will it be determined when guidance has been given and has not been followed? What we do not want to see is a parallel judicial system in which decisions are made that are different from those of the regulator in respect of when the safety duties had not been met.

I think it is when there are persistent breaches of the safety duties, when companies have probably already been fined and issued with guidance, and when it has been demonstrated that they are clearly in breach of the codes of practice and are refusing to abide by them, that the criminal liability should come in. Similar provisions already exist in the GDPR legislation for companies

[*Damian Collins*]

that are in persistent breach of their duties and obligations. The Joint Committee recommended that this should be included in the Bill, and throughout the journey of this legislation the inclusion of criminal liability has been consistently strengthened. When the draft Bill was published there was no immediate commencement of any criminal liability, even for not complying with the information notices given by Ofcom, but that was included when the Bill was presented for Second Reading. I am pleased that the Government are now going to consider how we can correctly define what a failure to meet the safety duties would be and therefore what the committal sanction that goes with it would be. That would be an important measure for companies that are in serial breach of their duties and obligations and have no desire to comply.

6.45 pm

This issue is also relevant and linked to the wider debate around legal but harmful that we have had today and in the recommittal Committee, because if we are going to have criminal sanctions for non-compliance, we need to be really clear what companies are supposed to do. It needs to be really clear to them what they have to do as well. That is why, when the Joint Committee produced its report, we recommended that the legal but harmful provisions in the Bill should be changed. They do not do what many people in the House have asserted they do, which is to set standards and requirements for companies to remove legal content. They were never there to do that. They provided risk assessment for a wider range of content, and that may have been helpful, but they did not require the removal of content that was neither a breach of the community standards of the platform nor a breach of the legal threshold.

The changes to the Bill help in some ways with the idea of having criminal liability because written on to the face of the Bill are the offences that are within scope, what the companies have to do and also the requirement to enforce their own terms of service where the safety standards are defined not by law but by the platform. Safety standards are important, and there is sometimes a danger in this debate that we pretend they do not really exist. That is understandable, because companies are not very good at enforcing them. They are not very good at doing the things they say they will do. As a former board member of the Centre for Countering Digital Hate, I am pleased to hear that organisation being cited so often in the debate. Its chief executive gave evidence to the Joint Committee, in which he said that if there was one thing it could do, it would be to ensure that companies enforced their own terms of service. He said that if there were a legal power to make them do that, many of the problems we are discussing would go away. That is a very important sanction.

On the point around smaller platforms, in reality Ofcom has the power to enforce safety standards at the level set in the Bill on any platform of any size. On the question of smaller platforms being out of scope, they can only take enforcement based on the terms of service, and platforms like that are likely to have very weak or practically non-existent terms of service. That is why having the minimum safety standards based in law is so important.

With regard to advertising, my hon. Friend and constituency neighbour the Member for Dover (Mrs Elphicke) has an amendment relating to immigration offences that are promoted through advertising. The additional amendment that the Government are accepting relating to advertising in banning the promotion of conversion therapy is also important.

Mrs Theresa May (Maidenhead) (Con): My hon. Friend has referenced the proposals from my hon. Friend the Member for Dover (Mrs Elphicke). I am grateful to the Minister and the Secretary of State for the discussions they have had with me on making modern slavery a specific priority offence, as well as illegal immigration. I think this is very important.

Damian Collins: I agree with my right hon. Friend; that is exactly right, and it is also right that we look at including additional offences on the face of the Bill in schedule 7 as offences that will be considered as part of the legislation.

Where this touches on advertising, the Government have already accepted, following the recommendation of the Joint Committee, that the promotion of fraud should be regulated in the Bill, even if it is in advertising. There are other aspects of this, too, including modern slavery and immigration, where we need to move at pace to close the loophole where consideration was to be given to advertising outside of the Bill through the online advertising review. The principle has already been accepted that illegal activity promoted through an advert on an online platform should be regulated as well as if it was an organic posting. That general provision does not yet exist, however. Given that the Government have considered these additional amendments, which was the right thing to do, they also need to look at the general presumption that any illegal activity that is a breach of the safety duties should be included and regulated, and that if somebody includes it in an advert it does not become exempt, when it would be regulated if it was in an organic posting.

Matt Rodda (Reading East) (Lab): I would like to focus on new clause 1, dealing with redress, new clause 43, dealing with the toggle default, and new clause 4 on minimum standards. This Bill is a very important piece of legislation, but I am afraid that it has been seriously watered down by the Government. In particular, it has been seriously weakened by the removal of measures to tackle legal but harmful content. I acknowledge that some progress has been made recently, now that the Government have accepted the need for criminal sanctions for senior managers of tech companies. However, there are still many gaps in the Bill and I want to deal with some of them in the time available to me tonight.

First, I pay tribute to the families who have lost children due to issues related to social media. Some of those families are in the Public Gallery tonight. In particular, I want to mention the Stephens family from my Reading East constituency. Thirteen-year-old Olly Stephens was murdered in an horrific attack following a plot hatched on social media. The two boys who attacked Olly had both shared dozens of images of knives online, and they used 11 different social media platforms to do so. Sadly, none of the platforms took down the content, which is why these matters are so important to all of us and our communities.

Following this awful case, I support a number of new clauses that I believe would lead to a significant change in the law to prevent a similar tragedy. I stress the importance of new clause 1, which would help parents to make complaints. As Olly's dad, Stuart, often says, "You simply cannot contact the tech companies. You send an email and get no reply." It is important to tackle this matter, and I believe that new clause 1 would go some way towards doing that.

As others have said, surely it makes sense for parents to know their children have some protection from harmful content. New clause 43 would provide reassurance by introducing a default position of protecting children. I urge Members on both sides of the House to support this new clause. Both children and vulnerable adults should be better protected from legal but harmful content, and further action should be taken. New clause 43 would take clear steps in that direction.

I am aware of time, and I support many other important new clauses. I reiterate my support and backing for my Front-Bench colleague, my hon. Friend the Member for Pontypridd (Alex Davies-Jones). Thank you, Madam Deputy Speaker, for the opportunity to contribute to this debate.

Dame Andrea Leadsom (South Northamptonshire) (Con): It is a pleasure to follow the hon. Member for Reading East (Matt Rodda). I congratulate him on his moving tribute to his constituent's son. It is a terrible story.

This Bill will be life changing for many, but I am sorry to say that it has taken far too long to get to this point. The Government promised in 2015 to end children's exposure to harmful online material, and in 2017 they committed to making the UK the safest place for children to be online. This morning, as I waited in the freezing cold on the station platform for a train that was late, a fellow passenger spoke to me about the Bill. He told me how happy he is that action is, at last, under way to protect children from the dangers of the internet. As a father of three young children, he told me that the internet is one of his greatest concerns.

I am afraid that, at the moment, the internet is as lawless as the wild west, and children are viewing images of abuse, addiction and self-harm on a daily basis. As others have said, the stats are shocking. Around 3,500 online child sex offences are recorded by police each month, and each month more than a million UK children access online pornography. It has been said that, in the time it takes to make a cup of tea, a person who joins certain popular social media platforms will have been introduced to suicidal content, "Go on, just kill yourself. You know you want to."

I am incredibly proud that our Government have introduced a Bill that will change lives for the better, and I hope and expect it will be a "best in class" for other Governments to do likewise. I pay tribute to my right hon. Friend the Secretary of State for Digital, Culture, Media and Sport and her predecessors for their ruthless focus on making the online world a safer place. Ultimately, improving lives is what every MP is here to do, and on both sides of the House we should take great delight that, at last, this Bill will have its remaining Commons stages today.

I pay tribute to my hon. Friends the Members for Penistone and Stocksbridge (Miriam Cates) and for Stone (Sir William Cash) for their determination to give

the Bill even more teeth, and I sincerely thank the Secretary of State for her willingness not only to listen but to take action.

New clause 2, tabled by my hon. Friends, will not be pressed because the Secretary of State has agreed to table a Government amendment when the Bill goes to the other place. New clause 2 sought to create a backstop so that, if a senior manager in a tech firm knowingly allows harm to be caused to a child that results in, for example their abuse or suicide, the manager should be held accountable and a criminal prosecution, with up to two years in prison, should follow. I fully appreciate that many in the tech world say, first, that that will discourage people from taking on new senior roles and, secondly, that it will discourage inward investment in the UK tech sector. Those serious concerns deserve to be properly addressed.

First, with regard to the potential for senior tech staff to be unwilling to take on new roles where there is this accountability, I would argue that from my experience as City Minister in 2015 I can provide a good example of why that is an unnecessary concern. We were seeking to address the aftermath of the 2008 financial crisis and we established the possibility of criminal liability for senior financial services staff. It was argued at the time that that would be highly damaging to UK financial services and that people would be unwilling to take on directorships and risk roles. I think we can all see clearly that those concerns were unfounded. Some might even say, "Well, tech firms would say that, wouldn't they?". The likelihood of a criminal prosecution will always be low, but the key difference is that in the future tech managers, instead of waking up each day thinking only about business targets, will wake up thinking, "Have I done enough to protect children, as I meet my business targets?". I am sure we can agree that that would be a very good thing.

Secondly, there are those who argue that inward investment to the UK's tech sector would be killed off by this move, and that would indeed be a concern. The UK tech sector leads in Europe, and at the end of 2022 it retained its position as the main challenger to the US and China. Fast-growing UK tech companies have continued to raise near-record levels of investment—more than France and Germany combined. The sector employs 3 million people across the UK and continues to thrive. So it is absolutely right that Ministers take seriously the concerns of these major employers.

However, I think we can look to Ireland as a good example of a successful tech hub where investment has not stopped as a result of strong accountability laws. The Irish Online Safety and Media Regulation Act 2022 carries a similar criminal responsibility to the one proposed in new clause 2, yet Ireland remains a successful tech hub in the European Union.

Tim Loughton (East Worthing and Shoreham) (Con): My right hon. Friend is rightly dispelling all these scare stories we have heard. One brief we had warned that if new clause 2 were to go through, it would portend the use of upload filters, where the system sweeps in and removes content before it has been posted. That would be a good thing, would it not? We need social media companies to be investing in more moderators in order to be more aware of the harmful stuff before it goes online and starts to do the damage. This should lead to

[Tim Loughton]

more investment, but in the right part—in the employees of these social media companies. Facebook—Meta, as it now is—made \$39 billion profit in 2021, so they are not short of money to do that, are they?

Dame Andrea Leadsom: My hon. Friend makes a good point. Of course, as I have said, tech managers who wake up trying to meet business targets will now look at meeting them in a way that also protects children. That is a good thing.

We will look back on this period since the real rise of social media and simply not be able to believe what millions of children have been subjected to every day. As the Government's special adviser on early years, it seems to me that all the work we are doing to give every baby the best start for life will be in vain if we then subject them during their vulnerable childhood years to the daily onslaught of appalling vitriol, violence, abuse and sordid pornography that is happening right now. It is little wonder that the mental health of young people is so poor. So it is my hope that this Bill will truly support our attempts to build back better after the covid lockdown. The Government's clear commitment to families and children, and the Prime Minister's own personal commitment to the vision for "The Best Start for Life" is apparent for all to see. Keeping children safe online will make a radical improvement to all their lives.

Several hon. Members *rose*—

Madam Deputy Speaker (Dame Rosie Winterton): In order to ensure that we get everybody in, I am going to introduce a five-minute time limit. I call Richard Burgon.

Richard Burgon (Leeds East) (Lab): I have listened with interest to all the powerful speeches that have been made today. As legislation moves through Parliament, it is meant to be improved, but the great pity with this Bill is that it has got worse, not better. It is a real tragedy that measures protecting adults from harmful but legal content have been watered down.

I rise to speak against the amendments that have come from the Government, including amendments 11 to 14 and 18 and 19, which relate to the removal of adult safety duties. I am also speaking in favour of new clause 4 from the Labour Front Bench team and amendment 43 from the SNP, which go at least some of the way to protect adults from harmful but legal content.

7 pm

The reason I am keen to highlight these points today stems from a tragic case in my constituency, which I have raised in the House on more than one occasion. Joe Nihill, a popular former Army cadet, was aged 23 when he took his own life after accessing dangerous, suicide-related content online. As I have mentioned previously, his mother, Catherine, and his sister-in-law, Melanie, have run a courageous campaign to ensure that, when this legislation becomes law, what happened to Joe does not happen to others.

For much of the passage of the Bill, I have been heartened. In particular, speaking to the previous Front-Bench Government team, it felt like we were going in the right direction, but perhaps not as quickly as we

would like. However, the Government amendments mean that we are now heading in the wrong direction. Joe's mother and sister-in-law are heartbroken at the Government's current direction of travel on the Bill in relation to protecting adults from harmful but legal content. I urge the Minister to think again, because Government amendments have gutted harmful but legal protections for adults. Reckless amendments mean that sites will not even have to consider the risk that harmful but legal content poses to adult users on their platform. As I have said, Bills are meant to get better as they go through Parliament. With the Government's amendments, we have seen the opposite happen.

Research from the Samaritans shows that just 16% of people think that access to potentially harmful content on the internet should be restricted only for children. As I have said, my constituent, Joe, was 23. We all know that it is false to presume that people stop being vulnerable at the age of 18. There are so many vulnerable adults in our society, and there are also people who become vulnerable when they see these things online—when they are dragged down this online rabbit hole of dangerous, harmful content.

The importance of including harmful but legal content is clear. Content that is legal but undoubtedly harmful includes information, instructions and advice on methods of self-harm and suicide, and material that portrays self-harm and suicide as desirable. Crudely removing protections from harmful content at 18 years of age leaves vulnerable people exposed to potentially fatal content.

As we have heard today, individual filters are simply not enough to protect vulnerable people. The Government have set out that it is up to individuals to filter legal but harmful content, but, often, people experiencing suicidal thoughts will look for ways to take their own life and actively seek out harmful content.

In conclusion, the truth is that the Government have ignored the real-world expertise of groups such as the Samaritans and others in order to put the interests of tech giants first as well as those on the Tory Back Benches who put so-called freedom of speech ahead of the safety of people like Joe from my constituency who took his own life at the age of 23.

I hope to see further work on this Bill in the other place to ensure that vulnerable adults are given the protection that they deserve. That was Joe's parting wish in the letter that he left to his family—that what happened to him would not happen to others. Let us not lose this opportunity. Let us improve the Bill. The other place has a vital role to play in ensuring that the Bill improves and protects everybody.

Sir John Hayes (South Holland and The Deepings) (Con): One of the most noticeable changes in my lifetime has been the disheartening debasement of public discourse. The internet—a place for posturing, preening and posing, but rarely for genuine discussion or measured debate—must take much of the blame for that transformative decline, but, while the coarsening of the national conversation is among the most obvious examples of the harm being done by the internet, it is merely the tip of a very dangerous iceberg.

Beyond every superficial banality lurks a growing crisis of depression, decay, misery and malaise, of self-doubt and self-harm, all facilitated by tech companies that

profit from exploiting insecurities, doubts and fears. Such companies do not exist simply to facilitate communication; rather, they control and manipulate virtual interaction in ways that play on innate fears.

The social media conglomerates' entire business model relies on ruthlessly exploiting vast quantities of data harvested from their users. Driven by nothing beyond profit and growth, they have abandoned any notion of duty of care, because their business model depends on monetarising information with little regard to how it is generated or how it is used, even when that puts children at deadly risk.

Perhaps that wilful ignorance is why social media consistently fails to police videos advertising and glamorising illegal channel crossings. The 1,400 minors accompanying the nearly 50,000 crossings last year had their images placed on the internet as poster children for that despicable trade. I am delighted that the work done by my hon. Friend the Member for Dover (Mrs Elphicke), and her amendment 82, now wisely accepted by the Government, will begin to address that particular wickedness. The amendment will wipe such material from the internet, requiring social media companies to face up to their responsibilities in plying this evil trade.

If drafted correctly, this Bill is an opportunity for Britain to lead the way in curbing the specious, sinister, spiteful excesses of the internet age. For all their virtue signalling, the tech giants' lack of action speaks louder than words. Whether it is facilitating the promotion of deadly channel crossings or the day-to-day damage done to the mental health of Britain's young people, let us be under no illusion: those at the top know exactly the harm they wreak.

Whistleblowing leaks by Frances Haugen last year revealed Mr Zuckerberg's Meta as a company fully aware of the damage it does to the mental health of young people. In the face of its inaction, new clause 2, tabled by my hon. Friends the Members for Stone (Sir William Cash) and for Penistone and Stocksbridge (Miriam Cates), whom I was pleased and proud to support in doing so, makes tech directors personally legally liable for breaches of their child safety duties. No longer will those senior managers be able to wash their hands of the harm they do, and no longer will they be able to perpetuate those sinister algorithms, which, rather than merely reflecting harm, cause harm.

Strengthening the powers of Ofcom to enforce those duties will ensure that the buck stops with tech management. Like the American frontier of legend, the virtual world of the internet can be tamed—the beast can be caged—but, as GK Chesterton said:

“Unless a man becomes the enemy of an evil, he will not even become its slave but rather its champion.”

The greedy, careless tech conglomerates cannot be trusted to check themselves. This Bill is a welcome start, but in time to come, as the social media beast writhes and breathes, Parliament will need to take whatever action is necessary to protect our citizens by quenching its fearful fire.

Jim Shannon (Strangford) (DUP): First and foremost, as we approach the remaining stages of this Bill, we must remember its importance. As MPs, we hear stories of the dangers of online harms that some would not believe. I think it is fair to say that those of my generation

were very fortunate to grow up in a world where social media did not exist; as I just said to my hon. Friend the Member for South Antrim (Paul Girvan) a few minutes ago, I am really glad I did not have to go through that. Social media is so accessible nowadays and children are being socialised in that environment, so it is imperative that we do all we can to ensure that they are protected and looked after.

I will take a moment to discuss the importance of new clause 2. There are many ongoing discussions about where the responsibility lies when it comes to the regulation of online harms, but new clause 2 ultimately would make it an offence for service providers not to comply with their safety duties in protecting children.

The hon. Member for Penistone and Stocksbridge (Miriam Cates) has described the world of social media as “a modern Wild West, a lawless and predatory environment”—

how true those words are. I put on record my thanks to her and to the hon. Member for Stone (Sir William Cash) for all their endeavours to deliver change—they have both been successful, and I say well done to them.

Some 3,500 online child sexual offences are recorded by the police every month. Every month, 1.4 million UK children access online porn, the majority of which is degrading, abusive and violent. As drafted, the Bill would not hold tech bosses individually liable for their own failure in child and public safety. New clause 2 must be supported, and I am very pleased that the Government are minded to accept it.

Fines are simply not enough. If we fail to address that in the Bill, this House will be liable, because senior tech bosses seem not to be. I am minded, as is my party, to support the official Opposition's new clause 4, “Safety duties protecting adults and society: minimum standards for terms of service”.

New clause 8 is also important. Over the last couple of years, my office has received numerous stories from parents who have witnessed their children deal with the consequences of what an eating disorder can do. I have a very close friend whose 16-year-old daughter is experiencing that at the moment. It is very hard on the family. Social media pages are just brutal. I have heard of TikTok pages glorifying bulimia and anorexia, and Instagram pages providing tips for self-harm—that is horrendous. It is important that we do not pick and choose what forms of harm are written into the Bill. It is not fair that some forms of harm are addressed under the Bill or referred to Ofcom while others are just ignored.

Communication and engagement with third-party stakeholders is the way to tackle and deal with this matter. Let us take, for example, a social media page that was started to comment on eating disorders and is generally unsafe and unhelpful to young people who are struggling. Such a page should be flagged to healthcare professionals, including GPs and nurses, who know best. If we can do that through the Bill, it would be a step in the right direction. On balance, we argue that harmful content should be reserved for regulations, which should be informed by proper stakeholder engagement.

I will touch briefly on new clause 3, which would require providers to include features that child users may use or apply if they wish to increase their control over harmful content. Such features are currently restricted to adults. Although we understand the need to empower

[*Jim Shannon*]

young people to be responsible and knowledgeable for the decisions they make, we recognise the value of targeting such a duty at adults, many of whom hold their parental responsibilities very close to their hearts. More often than not, that is just as important as regulation.

To conclude, we have seen too many suicides and too much danger emerge from online and social media. Social media has the potential to be an educational and accessible space for all, including young people. However, there must be safety precautions for the sake of young people, who can very easily fall into traps, as we are all aware. In my constituency, we have had a spate of suicides among young people—it seems to be in a clique of friends, and that really worries me. This is all about regulation, and ensuring that harmful content is dealt with and removed, and that correct and informed individuals are making the decisions about what is and is not safe. I have faith that the Minister, the Government and the Bill will address the outstanding issues. The Bill will not stop every online evil, but it will, as the right hon. and learned Member for Kenilworth and Southam (Sir Jeremy Wright) said, make being online safer. If the Bill does that, we can support it, because that would be truly good news.

Mr Deputy Speaker (Sir Roger Gale): I call Natalie Elphicke.

Mrs Natalie Elphicke (Dover) (Con): Thank you, Mr Deputy Speaker—if I may say so, it is a pleasure to see my east Kent neighbour in the Chair.

I will speak to amendment 82, which was tabled in my name, and in support of new clause 2 and amendment 83. At the last Report stage I spoke at some length on an associated amendment, and I am conscious that many Members wish to speak, so I will keep my comments brief.

I am grateful to the many right hon. and hon. Friends who supported my amendment, whether or not their names appear next to it on the amendment paper. I thank in particular my right hon. Friend the Member for South Holland and The Deepings (Sir John Hayes) for his considerable assistance in securing changes.

Amendment 82 sets out a requirement to remove content that may result in serious harm or death to a child while crossing the English channel in small boats. The risk of harm or death from channel crossings is very real. Four children have drowned in the past 15 months, with many more harmed through exposure to petrol and saltwater burns and put in danger here and abroad by organised crime and people traffickers. Social media is playing a direct role in this criminal enterprise. It must be brought to book, and the videos and other content that encourage such activity must be taken down.

7.15 pm

There is an obligation on us to protect children, especially lone children who find themselves not in the protection of social services, either here or abroad, but in the hands of evil people smugglers and people traffickers. I hope that whatever our differences may be across this House on how open or otherwise our borders and migration system should be, we should be united in

compassion, concern and action for children and young people in the snare of this wicked criminal activity. That is what my amendment 82 seeks to ensure.

Turning briefly to other amendments, new clause 2 seeks to hold senior managers to account. I am grateful to my hon. Friends the Members for Stone (Sir William Cash) and for Penistone and Stocksbridge (Miriam Cates) for their excellent work on this. I was somewhat disappointed to read the comments, repeated today by the hon. Member for Pontypridd (Alex Davies-Jones), that it is some kind of weakness for Government to agree to amendments. I particularly wanted to comment on that in relation to new clause 2.

In deciding to support new clause 2, I was persuaded by the remarks of the right hon. Member for Barking (Dame Margaret Hodge) in the previous Report stage. I am grateful to her for the strength of her comments and their persuasive nature. It is our job here in this House to make sure that we consider and make responsible amendments. That is what those of us on the Government Benches have sought to do. I am very pleased that the Government have moved in relation to new clause 2, and it is important to recognise that it shows the confidence and strength of leadership of the Prime Minister, his Ministers, the Culture Secretary and Ministers in her Department and the Home Office, as well as the Solicitor General, that they will work with us to ensure that the Bill is stronger yet.

Finally, I turn to amendment 83 in the same spirit. I was moved by the personal account and the comments made by my right hon. Friend the Member for Chelmsford (Vicky Ford) on Report, and that is why I lent my support to her amendment. She has made a powerful case that it is important to protect children, but also to recognise, as has been said, that as children turn 18 they may still be extremely vulnerable and in need of support. I thank her for that, and I know that a number of Members feel likewise.

In conclusion, I thank the Culture Secretary and the Minister, my hon. Friend the Member for Sutton and Cheam (Paul Scully), for their engagement to date and for the commitment made in the written ministerial statement to strengthen the Bill in relation to the prevention of modern slavery and illegal immigration, including for the protection of children. On that basis, I confirm that I will not be moving amendment 82 later today.

Sir William Cash: In a nutshell, we must be able to threaten tech bosses with jail. There is precedent for that—jail sentences for senior managers are commonplace for breaches of duties across a great range of UK legislation. That is absolutely and completely clear, and as a former shadow Attorney General, I know exactly what the law is on this subject. I can say this: we must protect our children and grandchildren from predatory platforms operating for financial gain on the internet. It is endemic throughout the world and in the UK, inducing suicide, self-harm and sexual abuse, and it is an assault on the minds of our young children and on those who are affected by it, including the families and such people as Ian Russell. He has shown great courage in coming out with the tragedy of his small child of 14 years old committing suicide as a result of such activities, as the coroner made clear. It is unthinkable that we will not deal with that. We are dealing with it now, and I thank

the Secretary of State and the Minister for responding with constructive dialogue in the short space of time since we have got to grips with this issue.

The written ministerial statement is crystal clear. It says that

“where senior managers, or those purporting to act in that capacity, have consented or connived in ignoring enforceable requirements, risking serious harm to children. The criminal penalties, including imprisonment and fines, will be commensurate with similar offences.”

We can make a comparison, as the right hon. Member for Barking (Dame Margaret Hodge) made clear, with financial penalties in the financial services sector, which is also international. There is also the construction industry, as my hon. Friend the Member for Penistone and Stocksbridge (Miriam Cates) just said. Those penalties are already on our statute book.

I do not care what the European Union is doing in its legislation. I am glad to know that the Irish legislation, which has been passed and is an Act, has been through different permutations and examinations. The Irish have come up with something that includes similar severe penalties. It can be done. But this is our legislation in this House. We will do it the way that we want to do it to protect our children and families. I am just about fed up with listening to the mealy-mouthed remarks from those who say, “You can’t do it. It’s not quite appropriate.” To hell with that. We are talking about our children.

On past record, which I just mentioned, in 1977-78, a great friend of mine, Cyril Townsend, the Member for Bexleyheath, introduced the first Protection of Children Bill. He asked me to help him, and I did. We got it through. That was incredibly difficult at the time. You have no idea, Mr Deputy Speaker, how much resistance was put up by certain Members of this House, including Ministers. I spoke to Jim Callaghan—I have been in this House so long that I was here with him after he had been Prime Minister—and asked, “How did you give us so much time to get the Bill through?” He said, “It’s very simple. I was sitting in bed with my wife in the flat upstairs at No. 10. She wasn’t talking to me. I said, ‘What’s wrong, darling?’ She replied, ‘If you don’t get that Protection of Children Bill through, I won’t speak to you for six months.’” And it went through, so there you go. There is a message there for all Secretaries of State, and even Prime Ministers.

I raised this issue with the Prime Minister in December in a question at the Liaison Committee. I invited him to consider it, and I am so glad that we have come to this point after very constructive discussion and dialogue. It needed that. It is a matter not of chariots of fire but of chariots on fire, because we have done all this in three weeks. I am extremely grateful to the 51 MPs who stood firm. I know the realities of this House, having been involved in one or two discussions in the past. As a rule, it is only when you have the numbers that the results start to come. I pay tribute to the Minister for the constructive dialogue.

The Irish legislation will provide a model, but this will be our legislation. It will be modelled on some of the things that have already enacted there, but it is not simply a matter of their legislation being transformed into ours. It will be our legislation. In the European Parliament—

Mr Deputy Speaker (Mr Nigel Evans): Order.

Sir William Cash: I know my time is up; I just want to say this.

Mr Deputy Speaker: No. I call Miriam Cates.

Miriam Cates (Penistone and Stocksbridge) (Con): I too rise to speak to new clause 2, which seeks to introduce senior manager criminal liability to the Bill. As my hon. Friend the Member for Stone (Sir William Cash) set out, we will not push it to a vote as a result of the very welcome commitments that the Minister has made to introduce a similar amendment in the other place.

Protecting children is not just the role of parents but the responsibility of the whole of society, including our institutions and businesses that wish to trade here. That is the primary aim of this Bill, which I wholeheartedly support: to keep children safe online from horrendous and unspeakable harms, many of which were mentioned by my right hon. Friend the Member for South Northamptonshire (Dame Andrea Leadsom).

We look back in horror at children being forced to work down mines or neglected in Victorian orphanages, but I believe we will look back with similar outrage at online harms. What greater violation could there be of childhood than to entice a child to collaborate in their own sexual abuse in the privacy and supposed safety of their own bedroom? Yet this is one of the many crimes that are occurring on an industrial scale every day. Past horrors such as children down mines were tackled by robust legislation, and the Online Safety Bill must continue our Parliament’s proud tradition of taking on vested interests to defend the welfare of children.

The Bill must succeed in its mission, but in its present form, it does not have sufficient teeth to drive the determination that is needed in tech boardrooms to tackle the systemic issue of the malevolent algorithms that drive this sickening content to our children. There is no doubt that the potential fines in the Bill are significant, but many of these companies have deep pockets, and the only criminal sanctions are for failure to share data with Ofcom. The inquest following the tragic death of Molly Russell was an example of this, as no one could be held personally responsible for what happened to her. I pay tribute to Ian Russell, Molly’s father, whose courage in the face of such personal tragedy has made an enormous difference in bringing to light the extent of online harms.

Only personal criminal liability will drive proactive change, and we have seen this in other areas such as the financial services industry and the construction industry. I am delighted that the Government have recognised the necessity of senior manager liability for tech bosses, after much campaigning across the House, and committed to introducing it in the other place. I thank the Secretary of State and her team for the very constructive and positive way in which they have engaged with supporters of this measure.

Sir William Cash: Would my hon. Friend not also like to say that the NSPCC has been magnificent in supporting us?

Miriam Cates: I was coming on to that—absolutely.

The advantage of introducing this measure in the other place is that we can widen the scope to all appropriate child safety duties beyond clause 11 and perhaps tackle pornography and child sexual abuse material as well. We will have a groundbreaking Bill that will hold to account powerful executives who knowingly allow our children to be harmed.

[*Miriam Cates*]

There are those who say—not least the tech companies—that we should not be seeking to criminalise tech directors. There are those who worry that this will reduce tech investment, but that has not happened in Ireland. There are those who say that the senior manager liability amendment will put a great burden on tech companies to comply, to which I say, “Great!” There are those who are worried that this will set an international precedent, to which I say, “Even better!”

Nothing should cause greater outrage in our society than the harming of innocent children. In a just society founded on the rule of law, those who harm children or allow children to be harmed should expect to be punished by the law. That is what new clause 2 seeks to do, and I look forward to working with the Secretary of State and others to bring forward a suitable amendment in the other place.

I offer my sincere thanks to the NSPCC, especially Rich Collard, and the outstanding Charles Hymas of *The Telegraph*, who have so effectively supported this campaign. I also pay tribute to my hon. Friend the Member for Stone (Sir William Cash); without his determination, knowledge and experience, it would not have been possible to achieve this change. He has been known as Mr Brexit, but as he said, even before he was Mr Brexit, he was Mr Child Protection, having been involved with the Protection of Children Act 1978. It is certainly advantageous in negotiations to work with someone who knows vastly more about legislation than pretty much anyone else involved. He sat through the debate in December on the amendment tabled by the right hon. Member for Barking (Dame Margaret Hodge), and while the vote was taking place, he said, “I think we can do this.” He spent the next week in the Public Bill Office and most of his recess buried in legislation. I pay tribute to him for his outstanding work. Once again, I thank the Secretary of State for her commitment to this, and I think this will continue our Parliament’s proud history of protecting children.

Lia Nici (Great Grimsby) (Con): I fully support the Bill and pay tribute to the work that Members have done over months and years to get us to where we are. I support the amendments tabled by my hon. Friends the Members for Dover (Mrs Elphicke), for Penistone and Stocksbridge (Miriam Cates) and for Stone (Sir William Cash), because these are the right things to do. We cannot have—effectively—illegal advertising for illegal activities on platforms. We would not allow it on television, so why would we allow it on other easily accessible platforms? With regard to content that is harmful to children, why should we not focus the minds of senior managers in those hugely rich organisations on the idea that, “If I do not do my job properly and protect children, I may go to prison.” I think that threat will focus those individuals’ minds.

7.30 pm

Sir William Cash: Does my hon. Friend agree that it is an assault not just on the physical person, but on their minds? That is what is going on, and it is destroying them.

Lia Nici: My hon. Friend is correct. Often, senior managers are high-profile individuals with PR budgets that are probably larger than those of many countries. If we think about fines, they would just put those fines into their business plans, so fines would not effect a cultural change, as my hon. Friend the Member for Penistone and Stocksbridge has said on many occasions. We need cultural change to ensure that companies say, “What are we doing to make sure that children are being protected?” That is why I wholeheartedly support the new clause.

I also thank the Secretary of State, Ministers and officials, who have talked through issues with Back Benchers and taken them seriously. That means that we are where we need to be, which is fantastic. As a child of the 1970s and a parent, I never envisaged that we would have to be having these kinds of conversations with our children about what they are coming across: “Mum, what is this? Should I go and find a needle to inject this into myself?”. That is the kind of horrifying content that parents and teachers come across. Schools do a fantastic job with their digital footprint training to ensure that we can start to have such conversations.

Sir John Hayes: The opponents of our cause claim that we are curbing freedom, but in fact, it is not freedom that these people offer. They turn their addicts into the slaves of cruel, callous conglomerates.

Lia Nici: I absolutely agree with my right hon. Friend. If freedom means that our children become collateral damage for harmful and dangerous people, we need to have some real conversations about what freedom is all about.

Thankfully, as a child of the 1970s, my only experience was of three television channels. My hon. Friends the Members for Stone and for Penistone and Stocksbridge are like Zorro and Tonto coming to save the villagers in a wild west town where all the baddies are waiting to annihilate them. I thank them for that and I look forward to supporting the Bill all the way.

Vicky Ford (Chelmsford) (Con): Legislating in an online world is incredibly complex and full of pitfalls, because the digital world moves so fast that it is difficult to make effective and future-proof legislation. I do not want to wind up my hon. Friend the Member for Stone (Sir William Cash) by mentioning Europe, but I am proud to have worked alongside other British MEPs to introduce the GDPR, which the tech companies hated—especially the penalties.

The GDPR is not perfect legislation, but it fundamentally transformed how online actors think about the need to protect personal data, confidentiality and privacy. The Bill can do exactly the same and totally transform how online safety is treated, especially for children. I have been a proud champion of the Internet Watch Foundation for more than a decade and I have worked with it to tackle the hideous sexual abuse of children online. As a children’s Minister during the Bill’s passage, I am aware of the serious harms that the online world can and does pose, and I am proud that Ministers have put protecting children at the front of the Bill.

Along with other hon. Members, I have signed new clause 2. If, God forbid, hospital staff were constantly and repeatedly causing harm to children and the hospital boss was aware of it but turned a blind eye and condoned it,

we would all expect that hospital boss to end up in the courts and, if necessary, in prison. Tech bosses should have the same. I thank the Government for saying that they will go along with the Irish style legislation here, and I look forward to their doing so.

My amendments—amendment 83 and new clause 8, which was not in scope—relate to eating disorders. Amendment 83 is intended to make it very clear that eating disorders should be treated as seriously as other forms of self-harm. I would like to thank everybody in the Chamber who spoke to me so kindly after I spoke in the last debate about my own experience as a former anorexic and all those outside the Chamber who have since contacted me.

Anorexia is the biggest killer of all mental illnesses. It is a sickness that has a slow and long-burning fuse, but all too often that fuse is deadly. There has been a terrifying rise in the number of cases, and it is very clear that social media posts that glamorise eating disorders are helping to fuel this epidemic. I am talking not about content that advertises a diet, but egregious content that encourages viewers to starve themselves in some cases—too many cases—to death. Content promoting eating disorders is no less dangerous than other content promoting other forms of self-harm; in fact, given the huge numbers of people suffering from eating disorders—about 1.25 million people in this country—it may be considered the most dangerous. It is dangerous not only for children, but for vulnerable adults.

My amendment, as I have said, endeavours to make it clear that content promoting eating disorders should be treated in the same way and as seriously as content promoting other forms of self-harm. I thank all those who signed it, including former Health Ministers and Digital Ministers, the current Chair of the Health and Social Care Committee, my hon. Friend the Member for Winchester (Steve Brine) and the current and former Chairs of the Women and Equalities Committee, my right hon. Friends the Members for Romsey and Southampton North (Caroline Nokes) and for Basingstoke (Dame Maria Miller). I hope the fact that MPs of such experience have signed these amendment sends a clear message to those in the other place that we treat this issue very seriously.

My amendment 83 is not the clearest legal way in which to manage the issue, so I do not intend to press it today. I thank the Secretary of State, the Minister responsible for the Bill and the Minister of State, Ministry of Justice, my right hon. Friend the Member for Charnwood (Edward Argar), who I know want to move on this, for meeting me earlier today and agreeing that we will find a way to help protect vulnerable adults as well as children from being constantly subjected to this type of killing content. I look forward to continuing to work with Ministers and Members of the other place to find the best legally watertight way forward.

Mr Marcus Fysh (Yeovil) (Con): It is a pleasure to follow my right hon. Friend the Member for Chelmsford (Vicky Ford), who made a very powerful speech, and I completely agree with her about the importance of treating eating disorders as being of the same scale of harm as other things in the Bill.

I was the media analyst for Merrill Lynch about 22 years ago, and I made a speech about the future of media in which I mentioned the landscape changing

towards one of self-generated media. However, I never thought we would get to where it is now and what the effect is. I was in the Pizza Express on Gloucester Road the other day at birthday party time, and an 11-year-old boy standing in the queue was doomscrolling TikTok videos rather than talking to his friends, which I just thought was a really tragic indication of where we have got to.

Digital platforms are also critical sources of information and our public discourse. Across the country, people gather up to 80% of information from such sources, but we should not have trust in them. Their algorithms, which promote and depromote, and their interfaces, which engage, are designed, as we have heard, to make people addicted to the peer validation and augmentation of particular points of view. They are driving people down tribal rabbit holes to the point where they cannot talk to each other or even listen to another point of view. It is no wonder that 50% of young people are unhappy or anxious when they use social media, and these algorithmic models are the problem. Trust in these platforms is wrong: their promotion or depromotion of messages and ideas is opaque, often subjective and subject to inappropriate influence.

It is right that we tackle illegal activity and that harms to children and the vulnerable are addressed, and I support the attempt to do that in the Bill. Those responsible for the big platforms must be held to account for how they operate them, but trusting in those platforms is wrong, and I worry that compliance with their terms of service might become a tick-box absolution of their responsibility for unhappiness, anxiety and harm.

What about harm to our public sphere, our discourse, and our processes of debate, policymaking and science? To trust the platforms in all that would be wrong. We know they have enabled censorship. Elon Musk's release of the Twitter files has shown incontrovertibly that the big digital platforms actively censor people and ideas, and not always according to reasonable moderation. They censor people according to their company biases, by political request, or with and on behalf of the three-letter Government agencies. They censor them at the behest of private companies, or to control information on their products and the public policy debate around them. Censorship itself creates mistrust in our discourse. To trust the big platforms always to do the right thing is wrong. It is not right that they should be able to hide behind their terms of service, bury issues in the Ofcom processes in the Bill, or potentially pay lip service to a tick-box exercise of merely "having regard" to the importance of freedom of expression. They might think they can just write a report, hire a few overseers, and then get away scot-free with their cynical accumulation, and the sale of the data of their addicted users and the manipulation of their views.

The Government have rightly acknowledged that addressing such issues of online safety is a work in progress, but we must not think that the big platforms are that interested in helping. They and their misery models are the problem. I hope that the Government, and those in the other place, will include in the Bill stronger duties to stop things that are harmful, to promote freedom of expression properly, to ensure that people have ready and full access to the full range of ideas and opinions, and to be fully transparent in public and real time about the way that content is promoted or depromoted on

[Mr Marcus Fysh]

their platforms. Just to trust in them is insufficient. I am afraid the precedent has been set that digital platforms can be used to censor ideas. That is not the future; that is happening right now, and when artificial intelligence comes, it will get even worse. I trust that my colleagues on the Front Bench and in the other place will work hard to improve the Bill as I know it can be improved.

Rachel Maclean (Redditch) (Con): I strongly support the Bill. This landmark piece of legislation promises to put the UK at the front of the pack, and I am proud to see it there. We must tackle online abuse while protecting free speech, and I believe the Bill gets that balance right. I was pleased to serve on the Bill Committee in the last Session, and I am delighted to see it returning to the Chamber. The quicker it can get on to the statute book, the more children we can protect from devastating harm.

I particularly welcome the strengthened protections for children, which require platforms to clearly articulate in their terms of service what they are doing to enforce age requirements on their site. That will go some way to reassuring parents that their children's developing brains will not be harmed by early exposure to toxic, degrading, and demeaning extreme forms of pornography. Evidence is clear that early exposure over time warps young girls' views of what is normal in a relationship, with the result that they struggle to form healthy equal relationships. For boys, that type of sexual activity is how they learn about sex, and it normalises abusive, non-consensual and violent acts. Boys grow up into men whose neural circuits become habituated to that type of imagery. They actually require it, regardless of the boundaries of consent that they learn about in their sex education classes—I know this is a difficult and troubling subject, but we must not be afraid to tackle it, which is what we are doing with the Bill. It is well established that the rise of that type of pornography on the internet over time has driven the troubling and pernicious rise in violence against women and girls, perpetrated by men, as well as peer-on-peer child sexual abuse and exploitation.

During Committee we had a good debate about the need for greater criminal sanctions to hold directors individually to account and drive a more effective safety culture in the boardroom. I am proud to serve in the Chamber with my hon. Friends the Members for Stone (Sir William Cash) and for Penistone and Stocksbridge (Miriam Cates). I have heard about all their work on new clause 2 and commend them heartily for it. I listened carefully to the Minister's remarks in Committee and thank him and the Secretary of State for their detailed engagement.

7.45 pm

I really welcome the plans to introduce measures to strengthen individual criminal liability for directors of tech companies. The concerns raised by some that that will deter investment in the UK or result in a tech exodus are absolute nonsense. That has not taken place in Ireland, which still hosts many leading industry headquarters. I am a former tech entrepreneur, part of the founding team of one of the UK's largest software publishers, and I assure the House that this forward-leaning legislation and regulation that requires innovation to solve compliance and user problems is exactly what drives the engineers to do what they do best: to solve

problem and develop solutions, in the interests of their customers, which are valuable across a host of industries and sectors.

The new measures will cement the UK's role as a world leader in this space and underpin our ability to continue to play a leading role in the software industry. Where we lead, others will follow. They will also give our thought leaders the opportunity to develop bespoke solutions as well as ensure that children's ages are verified robustly and that disgusting child sex abuse material is removed and does not proliferate.

On violence against women and girls, sensible and workable plans have been set out to make coercive and controlling behaviour a priority offence and to make platforms take that stuff down without women and girls having to contact them every single time. I welcome the work on creating codes of practice.

Considering the challenges that surround this area, the Bill does a really good job of protecting and upholding the freedom of speech that we hold dear in our democracy. As a feminist, I need to be able to express my view, protected under the Equality Act, that biological sex is immutable. I should not be hounded off the internet or threatened with violence for stating that view. At the same time, we should all seek to support and improve the experiences of transgender people. We can do both at the same time. We must have a nuanced, balanced and compassionate debate.

We are in an era where our discussion forums have become polarised. We are crossing new frontiers but we cannot accept the status quo. Our democracy depends on this.

Dean Russell (Watford) (Con): I rise to talk broadly about new clause 2, which I am pleased that the Government are engaging on. My right hon. and hon. Friends have done incredible work to make that happen. I share their elation. As—I think—the only Member who was on the Joint Committee under the fantastic Chair, my hon. Friend the Member for Folkestone and Hythe (Damian Collins), and on both Committees, I have seen the Bill's passage over the past year or so and been happy with how the Government have engaged with it. That includes on Zach's law, which will ensure that trolls cannot send flashing images to people with epilepsy. I shared my colleagues' elation with my hon. Friend the Member for Stourbridge (Suzanne Webb) when we were successful in convincing the Government to make that happen.

May I reiterate the learnings from the Joint Committee and from the Committee earlier last year? When we took evidence from the tech giants—they are giants—it was clear that, as giants do, they could not see the damage underfoot and the harm that they were doing because they are so big. They were also blind to the damage they were doing because they chose not to see it. I remember challenging a witness from one of the big tech giants about whether they had followed the Committee on the harms that they were causing to vulnerable children and adults. I was fascinated by how the witnesses just did not care. Their responses were, "Well, we are doing enough already. We are already trying. We are putting billions of pounds into supporting people who are being harmed." They did not see the reality on the ground of young people being damaged.

When I interviewed my namesake, Ian Russell, I was heartbroken because we had children of a similar age. I just could not imagine having the conversations he must have had with his family and friends throughout that terrible tragedy.

Sir William Cash: Is my hon. Friend aware that Ian Russell has pointed out that 26% of young people who present at hospital with self-harm and suicide attempts have accessed such predatory, irresponsible and wilful online content?

Dean Russell: My hon. Friend is absolutely right. One of the real horrors is that, as I understand it, Facebook was not going to release—I do not want to break any rules here—the content that his daughter had been viewing, to help with the process of healing.

If I may, I want to touch on another point that has not been raised today, which is the role of a future Committee. I appreciate that is not part of the Bill, but I feel strongly that this House should have a separate new Committee for the Online Safety Bill. The internet and the world of social media is changing dramatically. The metaverse is approaching very rapidly, and we are seeing the rise of virtual reality and augmented reality. Artificial intelligence is even changing the way we believe what we see online and at a rate that we cannot imagine. I have a few predictions. I anticipate that in the next few years we will probably have the first No. 1 book and song written by AI. We can now hear online fake voices and impersonations of people by AI. We will have songs and so on created in ways that fool us and fool children even more. I have no doubt that in the coming months and years we will see the rise of children suing their parents for sharing content of them when they were younger without permission. We will see a changing dynamic in the way that young people engage with new content and what they anticipate from it.

Sir John Hayes: My hon. Friend is making a valuable contribution to the debate, as I expected he would having discussed it with him from the very beginning. What he describes is not only the combination of heartlessness and carelessness on the part of the tech companies, but the curious marriage of an anarchic future coupled with the tyranny of their control of that future. He is absolutely right that if we are to do anything about that in this place, we need an ongoing role for a Committee of the kind he recommends.

Dean Russell: I thank my right hon. Friend for those comments. I will wrap up shortly, Mr Deputy Speaker. On that point, I have said before that the use of algorithms on platforms is in my mind very similar to addictive drugs: they get people addicted and get them to change their behaviours. They get them to cut off from their friends and family, and then they direct them in ways that we would not allow if we could wrap our arms around them and stop it. But they are doing that in their own bedrooms, classrooms and playgrounds.

I applaud the work on the Bill. Yes, there are ways it could be improved and a committee that looks at ways to improve it as the dynamics of social media change will be essential. However, letting the Bill go to the other place will be a major shift forwards in protecting our young people both now and in the future.

Mr Deputy Speaker (Sir Roger Gale): Thank you for your patience, Siobhan Baillie.

Siobhan Baillie (Stroud) (Con): Thank you, Mr Deputy Speaker.

I rise to speak to amendments 52 and 53. As you know, Mr Deputy Speaker, I have been campaigning to tackle anonymous abuse for many years now. I have been working with the fantastic Clean Up The Internet organisation, Stroud residents and the brilliant Department for Digital, Culture, Media and Sport team. We have been focused on practical measures that will empower social media users to protect themselves from anonymous abuse. I am pleased to say that the Government accepted our campaign proposals to introduce verification options. They give people the option to be followed and to follow only verified accounts if that is what they choose, and to ensure that they know who is and who is not verified. That will also assist in ensuring that the positive parts of anonymity can continue online, as there are many. I respectfully think that that work is even more important now that we have seen the removal of the “legal but harmful” clauses, because we know what will be viewed by children and vulnerable adults who want to be protected online.

We are not resting on that campaign win, however. We want to see the verification measures really work in the real world and for social media companies to adopt them quickly without any confusion about their duties. Separately, clarity is the order of the day, because the regulator Ofcom is going to have an awful lot to do thanks to the excellent clauses throughout the legislation.

This issue is urgent. We must not forget that anonymous social media accounts are spewing out hateful bile every single minute of the day. Children and vulnerable adults are left terrified: it is much more scary for them to receive comments about suicide, self-harm and bullying, and from anorexia pushers, from people when they do not know who they are.

Financial scammers tend to hide behind anonymity. Faceless bots cause mayhem and start nasty pile-ons. Perverts know that when they send a cyber-flashing dick pic to an unsuspecting woman, it is very unlikely, if it comes from an anonymous account, that it will be traced back to them. It is really powerful and important for people to have the tools to not see unverified nonsense or abuse, to be able to switch that off and to know that the people they follow are real.

I am keen for the Minister and the Government to adopt amendments 52 and 53. They are by no means the most sexy and jazzy amendments before the House; they are more tweaks than amendments. They would change the wording to bring the legislation up to date in the light of recent changes. They would also ensure that it is obvious if people are verified—blue ticks are a really good example of that—which was part of my campaign in the first place. I understand from discussions that the Government are considering adopting my amendments. I thank colleagues for calling them sensible and backing them. They are really important.

Finally, I have made the case many times that the public expect us to act and to be strong in this policy area, but they also expect things to happen very quickly. We have waited a very long time. It is incredibly important to give people the power and tools to protect themselves, whether by sliding a button or switching something off. My great hope from the campaigning that I have done is that young people and adults will think about only following unverified accounts through an active choice.

Kirsty Blackman: On that specific point, does the hon. Lady realise that the empowerment duties in respect of verified and non-verified users apply only to adult users? Children will not have the option to toggle off unverified users, because the user empowerment duties do not allow that to happen.

Siobhan Baillie: The evidence we have received is that it is parents who need the powers. I want to normalise the ability to turn off anonymised accounts. I think we will see children do that very naturally. We should also try to persuade their parents to take those stances and to have those conversations in the home. I obviously need to take up the matter with the hon. Lady and think carefully about it as matters proceed through the other place.

We know that parents are very scared about what their children see online. I welcome what the Minister is trying to do with the Bill and I welcome the legislation and the openness to change it. These days, we are all called rebels whenever we do anything to improve legislation, but the reality is that that is our job. We are sending this legislation to the other House in a better shape.

The Parliamentary Under-Secretary of State for Digital, Culture, Media and Sport (Paul Scully): There is a lot to cover in the short time I have, but first let me thank Members for their contributions to the debate. We had great contributions from the hon. Member for Pontypridd (Alex Davies-Jones), my right hon. Friend the Member for Witham (Priti Patel) and the right hon. Member for Barking (Dame Margaret Hodge)—I have to put that right, having not mentioned her last time—as well as from my hon. Friend the Member for Gosport (Dame Caroline Dinenage); the hon. Member for Aberdeen North (Kirsty Blackman); the former Secretary of State, my right hon. and learned Friend the Member for Kenilworth and Southam (Sir Jeremy Wright); and the hon. Members for Plymouth, Sutton and Devonport (Luke Pollard), for Reading East (Matt Rodda) and for Leeds East (Richard Burgon).

I would happily meet the hon. Member for Plymouth, Sutton and Devonport to talk about incel content, as he requested, and the hon. Members for Reading East and for Leeds East to talk about Olly Stephens and Joe Nihill. Those are two really tragic examples and it was good to hear the tributes to them and their being mentioned in this place in respect of the changes in the legislation.

We had great contributions from my right hon. Friend the Member for South Northamptonshire (Dame Andrea Leadsom), the hon. Member for Strangford (Jim Shannon) and my hon. Friend the Member for Dover (Mrs Elphicke). I am glad that my hon. Friend the Member for Stone (Sir William Cash) gave a three-Weetabix speech—I will have to look in the Tea Room for the Weetabix he has been eating.

There were great contributions from my hon. Friends the Members for Penistone and Stocksbridge (Miriam Cates) and for Great Grimsby (Lia Nici), from my right hon. Friend the Member for Chelmsford (Vicky Ford) and from my hon. Friend the Member for Yeovil (Mr Fysh). The latter talked about doom-scrolling; I recommend that he speaks to my right hon. Friend the Member for South Holland and The Deepings (Sir John Hayes), whose quoting of G. K. Chesterton shows the advantages of reading books rather than scrolling through a phone.

I also thank my hon. Friends the Members for Redditch (Rachel Maclean), for Watford (Dean Russell) and for Stroud (Siobhan Baillie).

I am also grateful for the contributions during the recommittal process. The changes made to the Bill during that process have strengthened the protections that it can offer.

We reviewed new clause 2 carefully, and I am sympathetic to its aims. We have demonstrated our commitment to strengthening protections for children elsewhere in the Bill by tabling a series of amendments at previous stages, and the Bill already includes provisions to make senior managers liable for failing to prevent a provider from committing an offence and for failing to comply with information notices. We are committed to ensuring that children are safe online, so we will work with those Members and others to bring to the other place an effective amendment that delivers our shared aims of holding people accountable for their actions in a way that is effective and targeted at child safety, while ensuring that the UK remains an attractive place for technology companies to invest and grow.

We need to take time to get this right. We intend to base our amendments on the Irish Online Safety and Media Regulation Act 2022, which, ironically, was largely based on our work here, and which introduces individual criminal liability for failure to comply with the notice to end contravention. In line with that approach, the final Government amendment, at the end of the ping-pong between the other place and this place, will be carefully designed to capture instances in which senior managers, or those purporting to act in that capacity, have consented or connived in ignoring enforceable requirements, risking serious harm to children. The criminal penalties, including imprisonment or fines, will be commensurate with those applying to similar offences. While the amendment will not affect those who have acted in good faith to comply in a proportionate way, it will give the Act additional teeth—as we have heard—to deliver the change that we all want, and ensure that people are held to account if they fail to protect children properly.

As was made clear by my right hon. Friend the Member for Witham, child protection and strong implementation are at the heart of the Bill. Its strongest protections are for children, and companies will be held accountable for their safety. I cannot guarantee the timings for which my right hon. Friend asked, but we will not dilute our commitment. We have already started to speak to companies in this sphere, and I will also continue to work with her and others.

Sajid Javid (Bromsgrove) (Con): My hon. Friend has rightly prioritised the protection of children. He will recall that throughout the debate, a number of Members have asked the Government to consider the amendment that will be tabled by Baroness Kidron, which will require coroners to have access to data in cases in which the tragic death of a child may be related to social media and other online activities. Is my hon. Friend able to give a commitment from the Dispatch Box that the Government will look favourably on that amendment?

Paul Scully: Coroners already have some powers in this area, but we are aware of instances raised by my right hon. Friend and others in which that has not been

the case. We will happily work with Baroness Kidron, and others, and look favourably on changes where they are necessary.

Debbie Abrahams: I entirely agree that our focus has been on protecting children, but is the Minister as concerned as I am about the information and misinformation, and about the societal impacts on our democracy, not just in this country but elsewhere? The hon. Member for Watford suggested a Committee that could monitor such impacts. Is that something the Minister will reconsider?

Paul Scully: For the purpose of future-proofing, we have tried to make the Bill as flexible and as technologically neutral as possible so that it can adapt to changes. I think we will need to review it, and indeed I am sure that, as technology changes, we will come back with new legislation in the future to ensure that we continue to be world-beating—but let us see where we end up with that.

Damian Collins: May I follow up my hon. Friend's response to our right hon. Friend the Member for Bromsgrove (Sajid Javid)? If it is the case that coroners cannot access data and information that they need in order to go about their duties—which was the frustrating element in the Molly Russell case—will the Government be prepared to close that loophole in the House of Lords?

Paul Scully: We will certainly work with others to address that, and if there is a loophole, we will seek to act, because we want to ensure—

Priti Patel *rose*—

Paul Scully: I will not give way for the moment. Oh, actually I will.

Priti Patel: I am grateful to the Minister for giving way. He was commenting on my earlier remarks about new clause 2 and the specifics around a timetable. I completely recognise that much of this work is under development. In my remarks, I asked for a timetable on engagement with the tech firms as well as transparency to this House on the progress being made on developing the regulations around criminal liability. It is important that this House sees that, and that we follow every single stage of that process.

Paul Scully: I thank my right hon. Friend for that intervention. We want to have as many conversations as possible in this area with Members on all sides, and I hope we can be as transparent as possible in that operation. We have already started the conversation. The Secretary of State and I met some of the big tech companies just yesterday to talk about exactly this area.

My hon. Friend the Member for Dover, my right hon. Friends the Members for South Holland and The Deepings and for Maidenhead (Mrs May) and others are absolutely right to highlight concerns about illegal small boat crossings and the harm that can be caused to people crossing in dangerous situations. The use of highly dangerous methods to enter this country, including unseaworthy, small or overcrowded boats and refrigerated lorries, presents a huge challenge to us all. Like other forms of serious and organised crime, organised immigration

crime endangers lives, has a corrosive effect on society, puts pressure on border security resources and diverts money from our economy.

As the Prime Minister has said, stopping these crossings is one of the Government's top priorities for the next year. The situation needs to be resolved and we will not hesitate to take action wherever that can have the most effect, including through this Bill. Organised crime groups continue to facilitate most migrant journeys to the UK and have no respect for human life, exploiting vulnerable migrants, treating them as commodities and knowingly putting people in life-threatening situations. Organised crime gangs are increasingly using social media to facilitate migrant crossings and we need to do more to prevent and disrupt the crimes facilitated through these platforms. We need to share best practice, improve our detection methods and take steps to close illegal crossing routes as the behaviour and methods of organised crime groups evolve.

However, amendment 82 risks having unforeseen consequences for the Bill. It could bring into question the meaning of the term “content” elsewhere in the Bill, with unpredictable implications for how the courts and companies would interpret it. Following constructive discussions with my hon. Friend the Member for Dover and my right hon. Friend the Member for Maidenhead, I can now confirm that in order to better tackle illegal immigration encouraged by organised gangs, the Government will add section 2 of the Modern Slavery Act 2015 to the list of priority offences. Section 2 makes it an offence to arrange or facilitate the travel of another person, including through recruitment, with a view to their exploitation.

We will also add section 24 of the Immigration Act to the priority offences list in schedule 7. Although the offences in section 24 cannot be carried out online, paragraph 33 of the schedule states the priority illegal content includes the inchoate offences relating to the offences listed. Therefore aiding, abetting, counselling and conspiring in those offences by posting videos of people crossing the channel that show the activity in a positive light could be an offence that is committed online and therefore fall within what is priority illegal content. The result of this amendment would therefore be that platforms would have to proactively remove that content. I am grateful to my hon. Friend the Member for Dover and my right hon. Friends the Members for South Holland and The Deepings and for Maidenhead for raising this important issue and I would be happy to offer them a meeting with my officials to discuss the drafting of this amendment ahead of it being tabled in the other place.

We recognise the strength of feeling on the issue of harmful conversion practices and remain committed to protecting people from these practices and making sure that they can live their lives free from the threat of harm or abuse. We have had constructive engagement with my hon. Friend the Member for Rutland and Melton (Alicia Kearns) on her amendment 84, which seeks to prevent children from seeing harmful online content on conversion practices. It is right that this issue is tackled through a dedicated and tailored legislative approach, which is why we are announcing today that the Government will publish a draft Bill to set out a proposed approach to banning conversion practices. This will apply to England and Wales. The Bill will protect everybody,

[Paul Scully]

including those targeted on the basis of their sexuality or being transgender. The Government will publish the Bill shortly and will ask for pre-legislative scrutiny by a Joint Committee in this parliamentary Session.

This is a complex area and pre-legislative scrutiny exists to help ensure that any Bill introduced to Parliament does not cause unintended consequences. It will also ensure that the Bill benefits from stakeholder expertise and input from parliamentarians. The legislation must not, through a lack of clarity, harm the growing number of children and young adults experiencing gender-related distress through inadvertently criminalising or chilling legitimate conversations that parents or clinicians may have with children. This is an important issue, and it needs the targeted and robust approach that a dedicated Bill would provide.

Crispin Blunt (Reigate) (Con): Will the Minister give way?

Paul Scully: I am afraid I have only three minutes, so I am not able to give way.

The Government cannot accept the Labour amendments that would re-add the adult safety duties and the concept of content that is harmful to adults. These duties and the definition of harmful content were removed from the Bill in Committee to protect free speech and to ensure that the Bill does not incentivise tech companies to censor legal content. It is not appropriate for the Government to decide whether legal content is harmful to adult users, and then to require companies to risk assess and set terms for such content. Many stakeholders and parliamentarians are justifiably concerned about the consequences of doing so, and I share those concerns. However, the Government recognise the importance of giving users the tools and information they need to keep themselves safe online, which is why we have introduced to the Bill a fairer, simpler approach for adults—the triple shield.

Members have talked a little about user empowerment. I will not have time to cover all of that, but the Government believe we have struck the right balance of empowering adult users on the content they see and engage with online while upholding the right to free expression. For those reasons, I am not able to accept these amendments, and I hope the hon. Members for Aberdeen North (Kirsty Blackman) and for Ochil and South Perthshire (John Nicolson) will not press them to a vote.

The Government amendments are consequential on removing the “legal but harmful” sections, which were debated extensively in Committee.

The Government recognise the concern of my hon. Friend the Member for Stroud about anonymous online abuse, and I applaud her important campaigning in this area. We expect Ofcom to recommend effective tools for compliance, with the requirement that these tools can be applied by users who wish to filter out non-verified users. I agree that the issue covered by amendment 52 is important, and I am happy to continue working with her to deliver her objectives in this area.

My right hon. Friend the Member for Chelmsford spoke powerfully, and we take the issue incredibly seriously. We are committed to introducing a new communications

offence of intentional encouragement and assistance of self-harm, which will apply whether the victim is a child or an adult.

Vicky Ford: Will my hon. Friend give way?

Paul Scully: I do not have time, but I thank all Members who contributed to today’s debate. I pay tribute to my officials and to all the Ministers who have worked on this Bill over such a long time.

Alex Davies-Jones: I beg to ask leave to withdraw the clause.

Clause, by leave, withdrawn.

8.13 pm

Proceedings interrupted (Programme Order, 5 December, and Standing Order No. 24(7)).

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

New Clause 4

SAFETY DUTIES PROTECTING ADULTS AND SOCIETY: MINIMUM STANDARDS FOR TERMS OF SERVICE

“(1) OFCOM may set minimum standards for the provisions included in a provider’s terms of service as far as they relate to the duties under sections 11, [Harm to adults and society risk assessment duties], [Safety duties protecting adults and society], 12, 16 to 19 and 28 of this Act (“relevant duties”).

(2) Where a provider does not meet the minimum standards, OFCOM may direct the provider to amend its terms of service in order to ensure that the standards are met.

(3) OFCOM must, at least once a year, conduct a review of—

(a) the extent to which providers are meeting the minimum standards, and

(b) how the providers’ terms of service are enabling them to fulfil the relevant duties.

(4) The report must assess whether any provider has made changes to its terms of service that might affect the way it fulfils a relevant duty.

(5) OFCOM must lay a report on the first review before both Houses of Parliament within one year of this Act being passed.

(6) OFCOM must lay a report on each subsequent review at least once a year thereafter.”—(*Alex Davies-Jones.*)

Brought up.

Question put, That the clause be added to the Bill.

The House divided: Ayes 242, Noes 310.

Division No. 144]

[8.13 pm

AYES

Abbott, rh Ms Diane (*Proxy vote cast by Bell Ribeiro-Addy*)

Abrahams, Debbie

Ali, Rushanara

Ali, Tahir

Allin-Khan, Dr Rosena

Amesbury, Mike

Anderson, Fleur

Antoniazzi, Tonia

Ashworth, rh Jonathan

Barker, Paula

Beckett, rh Margaret

Benn, rh Hilary

Betts, Mr Clive

Black, Mhairi

Blackford, rh Ian

Blackman, Kirsty

Blake, Olivia

Blomfield, Paul

Bonnar, Steven

Brennan, Kevin

Brock, Deidre

Brown, Alan

Brown, Ms Lyn

Brown, rh Mr Nicholas

Buck, Ms Karen
 Burgon, Richard
 Butler, Dawn
 Byrne, Ian
 Byrne, rh Liam
 Cadbury, Ruth
 Callaghan, Amy (*Proxy vote cast by Brendan O'Hara*)
 Cameron, Dr Lisa
 Campbell, rh Sir Alan
 Campbell, Mr Gregory
 Carden, Dan
 Carmichael, rh Mr Alistair
 Chamberlain, Wendy
 Champion, Sarah
 Chapman, Douglas
 Charalambous, Bambos
 Cherry, Joanna
 Clark, Feryal
 Cooper, Daisy
 Cooper, rh Yvette
 Corbyn, rh Jeremy
 Cowan, Ronnie
 Coyle, Neil
 Crawley, Angela
 Creasy, Stella
 Cruddas, Jon
 Cryer, John
 Cummins, Judith
 Cunningham, Alex
 Daby, Janet
 David, Wayne
 Davies, Geraint
 Davies-Jones, Alex
 Day, Martyn
 Debbonaire, Thangam
 Dhesi, Mr Tanmanjeet Singh
 Dixon, Samantha
 Docherty-Hughes, Martin
 Dodds, Anneliese
 Donaldson, rh Sir Jeffrey M.
 Doogan, Dave
 Dorans, Allan (*Proxy vote cast by Brendan O'Hara*)
 Dowd, Peter
 Duffield, Rosie
 Eagle, Maria
 Eastwood, Colum
 Edwards, Jonathan
 Efford, Clive
 Elliott, Julie
 Elmore, Chris
 Eshalomi, Florence
 Evans, Chris
 Farron, Tim
 Farry, Stephen
 Ferrier, Margaret
 Fletcher, Colleen
 Flynn, Stephen
 Foord, Richard
 Fovargue, Yvonne
 Foxcroft, Vicky
 Furniss, Gill
 Gardiner, Barry
 Gibson, Patricia
 Girvan, Paul
 Glindon, Mary
 Grady, Patrick
 Grant, Peter
 Green, Sarah
 Greenwood, Lilian
 Greenwood, Margaret

Griffith, Dame Nia
 Gwynne, Andrew
 Haigh, Louise
 Hamilton, Fabian
 Hamilton, Mrs Paulette
 Hanvey, Neale
 Hardy, Emma
 Harris, Carolyn
 Hayes, Helen
 Healey, rh John
 Hendrick, Sir Mark
 Hendry, Drew
 Hodge, rh Dame Margaret
 Hodgson, Mrs Sharon
 Hollern, Kate
 Hopkins, Rachel
 Hosie, rh Stewart
 Howarth, rh Sir George
 Huq, Dr Rupa
 Hussain, Imran
 Jardine, Christine
 Jarvis, Dan
 Johnson, rh Dame Diana
 Johnson, Kim
 Jones, rh Mr Kevan
 Jones, Ruth
 Jones, Sarah
 Kendall, Liz
 Khan, Afzal
 Kinnock, Stephen
 Kyle, Peter
 Lake, Ben
 Lavery, Ian
 Law, Chris
 Leadbeater, Kim
 Lewell-Buck, Mrs Emma
 Lewis, Clive
 Lightwood, Simon
 Linden, David
 Long Bailey, Rebecca
 Lucas, Caroline
 Lynch, Holly
 Madders, Justin
 Mahmood, Mr Khalid
 Mahmood, Shabana
 Malhotra, Seema
 Maskell, Rachael
 Mc Nally, John
 McCabe, Steve
 McCarthy, Kerry
 McDonald, Andy
 McDonald, Stewart Malcolm
 McDonald, Stuart C.
 McDonnell, rh John
 McFadden, rh Mr Pat
 McGinn, Conor
 McGovern, Alison
 McLaughlin, Anne
 McMahon, Jim
 McMorris, Anna
 Mearns, Ian
 Miliband, rh Edward
 Mishra, Navendu
 Monaghan, Carol
 Morgan, Helen
 Morgan, Stephen
 Morris, Grahame
 Murray, Ian
 Murray, James
 Nandy, Lisa
 Newlands, Gavin
 Nichols, Charlotte

Nicolson, John (*Proxy vote cast by Brendan O'Hara*)
 Norris, Alex
 O'Hara, Brendan
 Olney, Sarah
 Onwurah, Chi
 Oppong-Asare, Abena
 Osamor, Kate
 Osborne, Kate
 Oswald, Kirsten
 Owatemi, Taiwo
 Owen, Sarah
 Peacock, Stephanie
 Pennycook, Matthew
 Perkins, Mr Toby
 Phillips, Jess
 Phillipson, Bridget
 Pollard, Luke
 Powell, Lucy
 Qaisar, Ms Anum
 Qureshi, Yasmin
 Rayner, rh Angela
 Reed, Steve
 Reeves, Ellie
 Reynolds, Jonathan
 Ribeiro-Addy, Bell
 Rimmer, Ms Marie
 Robinson, Gavin
 Rodda, Matt
 Russell-Moyle, Lloyd
 Saville Roberts, rh Liz
 Shah, Naz
 Shannon, Jim
 Sharma, Mr Virendra
 Sheerman, Mr Barry
 Sheppard, Tommy
 Siddiq, Tulip
 Slaughter, Andy
 Smith, Alyn
 Smith, Cat
 Smith, Jeff

Smith, Nick
 Smyth, Karin
 Sobel, Alex
 Spellar, rh John
 Stephens, Chris
 Stevens, Jo
 Stone, Jamie
 Streeting, Wes
 Stringer, Graham
 Sultana, Zarah
 Tami, rh Mark
 Tarry, Sam
 Thewliss, Alison
 Thomas-Symonds, rh Nick
 Thompson, Owen
 Thomson, Richard
 Timms, rh Sir Stephen
 Trickett, Jon
 Turner, Karl
 Twigg, Derek
 Twist, Liz
 Vaz, rh Valerie
 Wakeford, Christian
 Webbe, Claudia
 West, Catherine
 Western, Andrew
 Whitehead, Dr Alan
 Whitford, Dr Philippa
 Whitley, Mick
 Whittome, Nadia
 Wilson, Munira
 Wilson, rh Sammy
 Winter, Beth
 Wishart, Pete
 Yasin, Mohammad
 Zeichner, Daniel

Tellers for the Ayes:
 Jessica Morden and
 Gerald Jones

NOES

Adams, rh Nigel
 Afolami, Bim
 Afriyie, Adam
 Aiken, Nickie
 Aldous, Peter
 Allan, Lucy
 Anderson, Lee
 Andrew, rh Stuart
 Ansell, Caroline
 Argar, rh Edward
 Atherton, Sarah
 Atkins, Victoria
 Bacon, Gareth
 Bacon, Mr Richard
 Bailey, Shaun
 Baillie, Siobhan
 Baker, Duncan
 Baker, Mr Steve
 Baldwin, Harriett
 Barclay, rh Steve
 Baron, Mr John
 Baynes, Simon
 Bell, Aaron
 Benton, Scott
 Beresford, Sir Paul
 Bhatti, Saqib
 Blackman, Bob
 Blunt, Crispin
 Bottomley, Sir Peter
 Bowie, Andrew
 Bradley, Ben
 Bradley, rh Karen
 Brady, Sir Graham
 Braverman, rh Suella
 Brereton, Jack
 Brine, Steve
 Bristow, Paul
 Britcliffe, Sara
 Browne, Anthony
 Bruce, Fiona
 Buchan, Felicity
 Burghart, Alex
 Burns, rh Conor
 Butler, Rob
 Cairns, rh Alun
 Carter, Andy
 Cartledge, James
 Cash, Sir William
 Cates, Miriam
 Caulfield, Maria
 Chalk, Alex
 Chishti, Rehman
 Chope, Sir Christopher
 Churchill, Jo
 Clark, rh Greg
 Clarke, rh Mr Simon

Clarke, Theo (*Proxy vote cast by Mr Marcus Jones*)
 Clarke-Smith, Brendan
 Clarkson, Chris
 Clifton-Brown, Sir Geoffrey
 Coffey, rh Dr Thérèse
 Colburn, Elliot
 Collins, Damian
 Costa, Alberto
 Courts, Robert
 Coutinho, Claire
 Cox, rh Sir Geoffrey
 Crosbie, Virginia
 Crouch, Tracey
 Daly, James
 Davies, rh David T. C.
 Davies, Gareth
 Davies, Dr James
 Davies, Mims
 Davies, Philip
 Davis, rh Mr David
 Davison, Dehenna
 Dinanage, Dame Caroline
 Dines, Miss Sarah
 Djanogly, Mr Jonathan
 Docherty, Leo
 Donelan, rh Michelle
 Double, Steve
 Dowden, rh Oliver
 Doyle-Price, Jackie
 Drax, Richard
 Drummond, Mrs Flick
 Duddridge, Sir James
 Duguid, David
 Duncan Smith, rh Sir Iain
 Dunne, rh Philip
 Eastwood, Mark
 Edwards, Ruth
 Ellis, rh Michael
 Ellwood, rh Mr Tobias
 Elphicke, Mrs Natalie
 Eustice, rh George
 Evans, Dr Luke
 Evennett, rh Sir David
 Everitt, Ben
 Fabricant, Michael
 Farris, Laura
 Fell, Simon
 Firth, Anna
 Fletcher, Katherine
 Fletcher, Mark
 Fletcher, Nick
 Ford, rh Vicky
 Foster, Kevin
 Fox, rh Dr Liam
 Francois, rh Mr Mark
 Frazer, rh Lucy
 Freeman, George
 Freer, Mike
 French, Mr Louie
 Fuller, Richard
 Fysh, Mr Marcus
 Garnier, Mark
 Ghani, Ms Nusrat
 Gibb, rh Nick
 Gibson, Peter
 Gideon, Jo
 Glen, rh John
 Gove, rh Michael
 Graham, Richard
 Grant, Mrs Helen
 Gray, James
 Green, Chris
 Green, rh Damian
 Griffith, Andrew
 Grundy, James
 Gullis, Jonathan
 Halfon, rh Robert
 Hall, Luke
 Hammond, Stephen
 Hands, rh Greg
 Harper, rh Mr Mark
 Harris, Rebecca
 Harrison, Trudy
 Hart, Sally-Ann
 Hart, rh Simon
 Hayes, rh Sir John
 Heapey, rh James
 Henderson, Gordon
 Henry, Darren
 Higginbotham, Antony
 Hinds, rh Damian
 Holden, Mr Richard
 Hollinrake, Kevin
 Hollobone, Mr Philip
 Holloway, Adam
 Holmes, Paul
 Howell, John
 Howell, Paul
 Huddleston, Nigel
 Hudson, Dr Neil
 Hughes, Eddie
 Hunt, Jane
 Hunt, Tom
 Jack, rh Mr Alister
 Javid, rh Sajid
 Jayawardena, rh Mr Ranil
 Jenkin, Sir Bernard
 Jenkinson, Mark
 Jenrick, rh Robert
 Johnson, Dr Caroline
 Johnson, Gareth
 Johnston, David
 Jones, Andrew
 Jones, rh Mr David
 Jones, Fay
 Jones, Mr Marcus
 Jupp, Simon
 Kawczynski, Daniel
 Kearns, Alicia
 Keegan, rh Gillian
 Knight, rh Sir Greg
 Kniveton, Kate
 Kruger, Danny
 Lamont, John
 Langan, Robert
 Latham, Mrs Pauline
 Leadsom, rh Dame Andrea
 Lewer, Andrew
 Lewis, rh Brandon
 Lewis, rh Sir Julian
 Liddell-Grainger, Mr Ian
 Loder, Chris
 Logan, Mark (*Proxy vote cast by Mr Marcus Jones*)
 Longhi, Marco
 Lopez, Julia
 Lopresti, Jack
 Lord, Mr Jonathan
 Loughton, Tim
 Mackinlay, Craig
 Mackrory, Cherilyn
 Maclean, Rachel
 Mangnall, Anthony

Mann, Scott
 Marson, Julie
 Mayhew, Jerome
 Maynard, Paul
 McCartney, Jason
 McCartney, Karl
 McPartland, rh Stephen
 McVey, rh Esther
 Mercer, Johnny
 Merriman, Huw
 Metcalfe, Stephen
 Millar, Robin
 Milling, rh Amanda
 Mills, Nigel
 Mitchell, rh Mr Andrew
 Mohindra, Mr Gagan
 Moore, Damien
 Moore, Robbie
 Mordaunt, rh Penny
 Morris, Anne Marie
 Morris, David
 Morris, James
 Mortimer, Jill
 Morton, rh Wendy
 Mullan, Dr Kieran
 Mumby-Croft, Holly
 Mundell, rh David
 Murray, Mrs Sheryll
 Neill, Sir Robert
 Nici, Lia
 Nokes, rh Caroline
 Norman, rh Jesse
 O'Brien, Neil
 Offord, Dr Matthew
 Opperman, Guy
 Patel, rh Priti
 Pawsey, Mark
 Penning, rh Sir Mike
 Penrose, John
 Percy, Andrew
 Philp, rh Chris
 Poulter, Dr Dan
 Pow, Rebecca
 Prentis, rh Victoria
 Pritchard, rh Mark
 Purslove, Tom
 Quin, rh Jeremy
 Quince, Will
 Raab, rh Dominic
 Randall, Tom
 Redwood, rh John
 Rees-Mogg, rh Mr Jacob
 Richardson, Angela
 Robertson, Mr Laurence
 Robinson, Mary
 Ross, Douglas
 Rowley, Lee
 Russell, Dean
 Sambrook, Gary
 Saxby, Selaine
 Scully, Paul
 Selous, Andrew
 Shapps, rh Grant
 Sharma, rh Sir Alok
 Shelbrooke, rh Alec
 Skidmore, rh Chris
 Smith, rh Chloe
 Smith, Greg
 Smith, Henry
 Smith, rh Julian
 Smith, Royston
 Solloway, Amanda
 Spencer, Dr Ben
 Spencer, rh Mark
 Stafford, Alexander
 Stephenson, rh Andrew
 Stevenson, Jane
 Stevenson, John
 Stewart, Iain
 Streeter, Sir Gary
 Stuart, rh Graham
 Sturdy, Julian
 Sunderland, James
 Swayne, rh Sir Desmond
 Syms, Sir Robert
 Thomas, Derek
 Throup, Maggie
 Timpson, Edward
 Tolhurst, Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Trott, Laura
 Tugendhat, rh Tom
 Vickers, Martin
 Vickers, Matt
 Villiers, rh Theresa
 Walker, Sir Charles
 Walker, Mr Robin
 Warman, Matt (*Proxy vote cast by Mr Marcus Jones*)
 Watling, Giles
 Webb, Suzanne
 Whately, Helen
 Wheeler, Mrs Heather
 Whittaker, Craig
 Whittingdale, rh Sir John
 Wiggin, Sir Bill
 Wild, James
 Williams, Craig
 Wragg, Mr William
 Wright, rh Sir Jeremy
 Young, Jacob
Tellers for the Noes:
 Stuart Anderson and
 Mike Wood

Question accordingly negated.

Clause 5

OVERVIEW OF PART 3

Amendment made: 1, in clause 5, page 4, leave out lines 41 and 42.—(*Paul Scully.*)

This amendment is consequential on the removal of clause 55 of the Bill as amended on Report.

Clause 6**PROVIDERS OF USER-TO-USER SERVICES: DUTIES OF CARE**

Amendments made: 2, in clause 6, page 5, line 15, leave out “, (3) and (4)” and insert “and (3)”.

This amendment removes a reference to what was subsection (4) of clause 18, as that provision has been moved to clause 65.

Amendment 3, in clause 6, page 5, line 26, leave out paragraphs (a) and (b).—(Paul Scully.)

This amendment is consequential on the removal of clauses 12 and 13 of the Bill as amended on Report.

Clause 10**CHILDREN’S RISK ASSESSMENT DUTIES**

Amendment made: 4, in clause 10, page 8, line 38, leave out from “8” to “)” in line 40.—(Paul Scully.)

This amendment is consequential on the removal of clause 12 of the Bill as amended on Report.

Clause 12**USER EMPOWERMENT DUTIES**

Amendment proposed: 43, in clause 12, page 12, line 24, leave out “made available to” and insert

“in operation by default for”.—(Kirsty Blackman.)

Question put, That the amendment be made.

The House divided: Ayes 237, Noes 316.

Division No. 145]

[8.26 pm

AYES

Abbott, rh Ms Diane (*Proxy vote cast by Bell Ribeiro-Addy*)
 Abrahams, Debbie
 Ali, Rushanara
 Ali, Tahir
 Allin-Khan, Dr Rosena
 Amesbury, Mike
 Anderson, Fleur
 Antoniazzi, Tonia
 Ashworth, rh Jonathan
 Bardell, Hannah
 Barker, Paula
 Beckett, rh Margaret
 Benn, rh Hilary
 Betts, Mr Clive
 Black, Mhairi
 Blackford, rh Ian
 Blackman, Kirsty
 Blake, Olivia
 Blomfield, Paul
 Brennan, Kevin
 Brock, Deidre
 Brown, Alan
 Brown, Ms Lyn
 Brown, rh Mr Nicholas
 Buck, Ms Karen
 Burgon, Richard
 Butler, Dawn
 Byrne, Ian
 Byrne, rh Liam
 Cadbury, Ruth
 Callaghan, Amy (*Proxy vote cast by Brendan O’Hara*)
 Cameron, Dr Lisa
 Campbell, rh Sir Alan
 Carden, Dan
 Carmichael, rh Mr Alistair
 Chamberlain, Wendy
 Champion, Sarah
 Chapman, Douglas
 Charalambous, Bambos
 Cherry, Joanna
 Clark, Feryal
 Cooper, Daisy
 Cooper, rh Yvette
 Corbyn, rh Jeremy
 Cowan, Ronnie
 Coyle, Neil
 Crawley, Angela
 Creasy, Stella
 Cruddas, Jon
 Cryer, John
 Cummins, Judith
 Cunningham, Alex
 Daby, Janet
 David, Wayne
 Davies, Geraint
 Davies-Jones, Alex
 Day, Martyn
 Debbonaire, Thangam
 Dhesi, Mr Tanmanjeet Singh
 Dixon, Samantha
 Docherty-Hughes, Martin
 Dodds, Anneliese
 Doogan, Dave
 Dorans, Allan (*Proxy vote cast by Brendan O’Hara*)
 Dowd, Peter
 Duffield, Rosie

Eagle, Maria
 Eastwood, Colum
 Edwards, Jonathan
 Efford, Clive
 Elliott, Julie
 Elmore, Chris
 Eshalomi, Florence
 Evans, Chris
 Farron, Tim
 Farry, Stephen
 Ferrier, Margaret
 Fletcher, Colleen
 Flynn, Stephen
 Foord, Richard
 Fovargue, Yvonne
 Foxcroft, Vicky
 Furniss, Gill
 Gardiner, Barry
 Gibson, Patricia
 Glindon, Mary
 Grady, Patrick
 Green, Sarah
 Greenwood, Lilian
 Greenwood, Margaret
 Griffith, Dame Nia
 Gwynne, Andrew
 Haigh, Louise
 Hamilton, Fabian
 Hamilton, Mrs Paulette
 Hanvey, Neale
 Hardy, Emma
 Harris, Carolyn
 Hayes, Helen
 Healey, rh John
 Hendry, Drew
 Hodge, rh Dame Margaret
 Hodgson, Mrs Sharon
 Hollern, Kate
 Hopkins, Rachel
 Hosie, rh Stewart
 Howarth, rh Sir George
 Huq, Dr Rupa
 Hussain, Imran
 Jardine, Christine
 Jarvis, Dan
 Johnson, rh Dame Diana
 Johnson, Kim
 Jones, Gerald
 Jones, rh Mr Kevan
 Jones, Ruth
 Jones, Sarah
 Kendall, Liz
 Khan, Afzal
 Kinnock, Stephen
 Kyle, Peter
 Lake, Ben
 Lavery, Ian
 Law, Chris
 Leadbeater, Kim
 Lewell-Buck, Mrs Emma
 Lewis, Clive
 Lightwood, Simon
 Linden, David
 Long Bailey, Rebecca
 Lucas, Caroline
 Lynch, Holly
 Madders, Justin
 Mahmood, Mr Khalid
 Mahmood, Shabana
 Malhotra, Seema
 Maskell, Rachael
 Mc Nally, John
 McCabe, Steve
 McCarthy, Kerry
 McDonald, Andy
 McDonald, Stewart Malcolm
 McDonald, Stuart C.
 McDonnell, rh John
 McFadden, rh Mr Pat
 McGinn, Conor
 McGovern, Alison
 McLaughlin, Anne
 McMahon, Jim
 McMorris, Anna
 Mearns, Ian
 Miliband, rh Edward
 Mishra, Navendu
 Monaghan, Carol
 Morden, Jessica
 Morgan, Helen
 Morgan, Stephen
 Morris, Grahame
 Murray, Ian
 Murray, James
 Nandy, Lisa
 Newlands, Gavin
 Nichols, Charlotte
 Nicolson, John (*Proxy vote cast by Brendan O’Hara*)
 Norris, Alex
 O’Hara, Brendan
 Olney, Sarah
 Onwurah, Chi
 Oppong-Asare, Abena
 Osamor, Kate
 Osborne, Kate
 Oswald, Kirsten
 Owatemi, Taiwo
 Owen, Sarah
 Peacock, Stephanie
 Pennycook, Matthew
 Perkins, Mr Toby
 Phillips, Jess
 Phillipson, Bridget
 Pollard, Luke
 Powell, Lucy
 Qaisar, Ms Anum
 Qureshi, Yasmin
 Rayner, rh Angela
 Reed, Steve
 Reeves, Ellie
 Reynolds, Jonathan
 Ribeiro-Addy, Bell
 Rimmer, Ms Marie
 Rodda, Matt
 Russell-Moyle, Lloyd
 Saville Roberts, rh Liz
 Shah, Naz
 Sharma, Mr Virendra
 Sheerman, Mr Barry
 Sheppard, Tommy
 Siddiq, Tulip
 Slaughter, Andy
 Smith, Alyn
 Smith, Cat
 Smith, Jeff
 Smith, Nick
 Smyth, Karin
 Sobel, Alex
 Spellar, rh John
 Stephens, Chris
 Stevens, Jo
 Stone, Jamie
 Streeting, Wes

Stringer, Graham
Sultana, Zarah
Tami, rh Mark
Tarry, Sam
Thewliss, Alison
Thomas-Symonds, rh Nick
Thompson, Owen
Thomson, Richard
Timms, rh Sir Stephen
Trickett, Jon
Turner, Karl
Twigg, Derek
Twist, Liz
Vaz, rh Valerie
Wakeford, Christian

Webbe, Claudia
West, Catherine
Western, Andrew
Whitehead, Dr Alan
Whitford, Dr Philippa
Whitley, Mick
Whittome, Nadia
Wilson, Munira
Winter, Beth
Wishart, Pete
Yasin, Mohammad
Zeichner, Daniel

Tellers for the Ayes:
Peter Grant and
Steven Bonnar

NOES

Adams, rh Nigel
Afolami, Bim
Afriyie, Adam
Aiken, Nickie
Aldous, Peter
Allan, Lucy
Anderson, Lee
Andrew, rh Stuart
Ansell, Caroline
Argar, rh Edward
Atherton, Sarah
Atkins, Victoria
Bacon, Gareth
Bacon, Mr Richard
Bailey, Shaun
Baillie, Siobhan
Baker, Duncan
Baker, Mr Steve
Baldwin, Harriett
Barclay, rh Steve
Baron, Mr John
Baynes, Simon
Bell, Aaron
Benton, Scott
Beresford, Sir Paul
Bhatti, Saqib
Blackman, Bob
Blunt, Crispin
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Bradley, rh Karen
Brady, Sir Graham
Braverman, rh Suella
Brereton, Jack
Brine, Steve
Bristow, Paul
Britcliffe, Sara
Browne, Anthony
Bruce, Fiona
Buchan, Felicity
Burghart, Alex
Burns, rh Conor
Butler, Rob
Cairns, rh Alun
Campbell, Mr Gregory
Carter, Andy
Cartledge, James
Cash, Sir William
Cates, Miriam
Caulfield, Maria
Chalk, Alex
Chishti, Rehman
Chope, Sir Christopher

Churchill, Jo
Clark, rh Greg
Clarke, rh Mr Simon
Clarke, Theo, (*Proxy vote cast by Mr Marcus Jones*)
Clarke-Smith, Brendan
Clarkson, Chris
Clifton-Brown, Sir Geoffrey
Coffey, rh Dr Thérèse
Colburn, Elliot
Collins, Damian
Costa, Alberto
Courts, Robert
Coutinho, Claire
Cox, rh Sir Geoffrey
Crosbie, Virginia
Crouch, Tracey
Daly, James
Davies, rh David T. C.
Davies, Gareth
Davies, Dr James
Davies, Mims
Davies, Philip
Davis, rh Mr David
Davison, Dehenna
Dinenage, Dame Caroline
Dines, Miss Sarah
Djanogly, Mr Jonathan
Docherty, Leo
Donaldson, rh Sir Jeffrey M.
Donelan, rh Michelle
Double, Steve
Dowden, rh Oliver
Doyle-Price, Jackie
Drax, Richard
Drummond, Mrs Flick
Duddridge, Sir James
Duguid, David
Duncan Smith, rh Sir Iain
Dunne, rh Philip
Eastwood, Mark
Edwards, Ruth
Ellis, rh Michael
Ellwood, rh Mr Tobias
Elphicke, Mrs Natalie
Eustice, rh George
Evans, Dr Luke
Evennett, rh Sir David
Everitt, Ben
Fabricant, Michael
Farris, Laura
Fell, Simon
Firth, Anna
Fletcher, Katherine

Fletcher, Mark
Fletcher, Nick
Ford, rh Vicky
Foster, Kevin
Fox, rh Dr Liam
Francois, rh Mr Mark
Frazer, rh Lucy
Freeman, George
Freer, Mike
French, Mr Louie
Fuller, Richard
Fysh, Mr Marcus
Garnier, Mark
Ghani, Ms Nusrat
Gibb, rh Nick
Gibson, Peter
Gideon, Jo
Girvan, Paul
Glen, rh John
Gove, rh Michael
Graham, Richard
Grant, Mrs Helen
Gray, James
Green, Chris
Green, rh Damian
Griffith, Andrew
Grundy, James
Gullis, Jonathan
Halfon, rh Robert
Hall, Luke
Hammond, Stephen
Hands, rh Greg
Harper, rh Mr Mark
Harris, Rebecca
Harrison, Trudy
Hart, Sally-Ann
Hart, rh Simon
Hayes, rh Sir John
Heapey, rh James
Henderson, Gordon
Henry, Darren
Higginbotham, Antony
Hinds, rh Damian
Holden, Mr Richard
Hollinrake, Kevin
Hollobone, Mr Philip
Holloway, Adam
Holmes, Paul
Howell, John
Howell, Paul
Huddleston, Nigel
Hudson, Dr Neil
Hughes, Eddie
Hunt, Jane
Hunt, Tom
Jack, rh Mr Alister
Javid, rh Sajid
Jayawardena, rh Mr Ranil
Jenkin, Sir Bernard
Jenkinson, Mark
Jenrick, rh Robert
Johnson, Dr Caroline
Johnson, Gareth
Johnston, David
Jones, Andrew
Jones, rh Mr David
Jones, Fay
Jones, Mr Marcus
Jupp, Simon
Kawczynski, Daniel
Kearns, Alicia
Keegan, rh Gillian

Knight, rh Sir Greg
Kniveton, Kate
Kruger, Danny
Lamont, John
Largan, Robert
Latham, Mrs Pauline
Leadsom, rh Dame Andrea
Lewer, Andrew
Lewis, rh Brandon
Lewis, rh Sir Julian
Liddell-Grainger, Mr Ian
Loder, Chris
Logan, Mark (*Proxy vote cast by Mr Marcus Jones*)
Longhi, Marco
Lopez, Julia
Lopresti, Jack
Lord, Mr Jonathan
Loughton, Tim
Mackinlay, Craig
Mackrory, Cherilyn
Maclean, Rachel
Mangnall, Anthony
Mann, Scott
Marson, Julie
Mayhew, Jerome
Maynard, Paul
McCartney, Jason
McCartney, Karl
McPartland, rh Stephen
McVey, rh Esther
Mercer, Johnny
Merriman, Huw
Metcalfe, Stephen
Millar, Robin
Milling, rh Amanda
Mills, Nigel
Mitchell, rh Mr Andrew
Mohindra, Mr Gagan
Moore, Damien
Moore, Robbie
Mordaunt, rh Penny
Morris, Anne Marie
Morris, David
Morris, James
Mortimer, Jill
Morton, rh Wendy
Mullan, Dr Kieran
Mumby-Croft, Holly
Mundell, rh David
Murray, Mrs Sheryll
Neill, Sir Robert
Nici, Lia
Nokes, rh Caroline
Norman, rh Jesse
O'Brien, Neil
Offord, Dr Matthew
Opperman, Guy
Patel, rh Priti
Pawsey, Mark
Penning, rh Sir Mike
Penrose, John
Percy, Andrew
Philp, rh Chris
Poulter, Dr Dan
Pow, Rebecca
Prentis, rh Victoria
Pritchard, rh Mark
Pursglove, Tom
Quin, rh Jeremy
Quince, Will
Raab, rh Dominic

Randall, Tom
 Redwood, rh John
 Rees-Mogg, rh Mr Jacob
 Richardson, Angela
 Robertson, Mr Laurence
 Robinson, Gavin
 Robinson, Mary
 Ross, Douglas
 Rowley, Lee
 Russell, Dean
 Sambrook, Gary
 Saxby, Selaine
 Scully, Paul
 Selous, Andrew
 Shannon, Jim
 Shapps, rh Grant
 Sharma, rh Sir Alok
 Shelbrooke, rh Alec
 Skidmore, rh Chris
 Smith, rh Chloe
 Smith, Greg
 Smith, Henry
 Smith, rh Julian
 Smith, Royston
 Solloway, Amanda
 Spencer, Dr Ben
 Spencer, rh Mark
 Stafford, Alexander
 Stephenson, rh Andrew
 Stevenson, Jane
 Stevenson, John
 Stewart, Iain
 Streeter, Sir Gary
 Stuart, rh Graham
 Sturdy, Julian

Sunderland, James
 Swayne, rh Sir Desmond
 Syms, Sir Robert
 Thomas, Derek
 Throup, Maggie
 Timpson, Edward
 Tolhurst, Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Trott, Laura
 Tugendhat, rh Tom
 Vickers, Martin
 Vickers, Matt
 Villiers, rh Theresa
 Walker, Sir Charles
 Walker, Mr Robin
 Warman, Matt (*Proxy vote
 cast by Mr Marcus Jones*)
 Watling, Giles
 Webb, Suzanne
 Whately, Helen
 Wheeler, Mrs Heather
 Whittaker, Craig
 Whittingdale, rh Sir John
 Wiggin, Sir Bill
 Wild, James
 Williams, Craig
 Wilson, rh Sammy
 Wragg, Mr William
 Wright, rh Sir Jeremy
 Young, Jacob

Tellers for the Noes:
 Stuart Anderson and
 Mike Wood

Question accordingly negated.

Clause 36

CODES OF PRACTICE ABOUT DUTIES

Amendment made: 5, page 38, line 6, leave out paragraph (c).—(*Paul Scully.*)

This amendment is consequential on the removal of clause 13 of the Bill as amended on Report.

Clause 46

DUTIES AND THE FIRST CODES OF PRACTICE

Amendment made: 6, page 45, line 23, leave out paragraph (c).—(*Paul Scully.*)

This amendment is consequential on the removal of clause 13 of the Bill as amended on Report.

Clause 56

REGULATIONS UNDER SECTIONS 54 AND 55:

OFCOM'S REVIEW AND REPORT

Amendments made: 7, page 54, line 11, leave out 'or 55'.

This amendment is consequential on the removal of clause 55 of the Bill as amended on Report.

Amendment 8, page 54, line 15, leave out sub-paragraph (ii).

This amendment is consequential on the removal of clause 55 of the Bill as amended on Report.

Amendment 9, page 54, line 18, leave out 'individuals' and insert 'children'.—(Paul Scully.)

This amendment is consequential on the removal of clause 55 of the Bill as amended on Report.

Clause 89

OFCOM'S REGISTER OF RISKS, AND RISK PROFILES, OF PART 3 SERVICES

Amendments made: 10, page 79, line 14, leave out paragraph (d).

This amendment is consequential on the removal of the adult safety duties.

Amendment 11, page 79, line 31, leave out subsection (6).

This amendment is consequential on the removal of the adult safety duties.

Amendment 12, page 80, line 5, leave out 'or (d)'.

This amendment is consequential on the removal of the adult safety duties.

Amendment 13, page 80, leave out lines 15 and 16.

This amendment is consequential on the removal of clause 55 of the Bill as amended on Report.

Amendment 14, page 80, leave out lines 20 and 21.—(Paul Scully.)

This amendment is consequential on the removal of the adult safety duties.

Clause 90

OFCOM'S GUIDANCE ABOUT RISK ASSESSMENTS

Amendments made: 15, page 80, line 36, leave out subsection (4).

This amendment is consequential on the removal of clause 12 of the Bill as amended on Report.

Amendment 16, page 81, leave out lines 13 and 14.—(Paul Scully.)

This amendment is consequential on the removal of clause 12 of the Bill as amended on Report.

Clause 197

PARLIAMENTARY PROCEDURE FOR REGULATIONS

Amendment made: 17, page 162, line 26, leave out paragraph (b).—(*Paul Scully.*)

This amendment is consequential on the removal of clause 55 of the Bill as amended on Report.

Clause 205

"HARM" ETC

Amendments made: 18, page 169, line 35, leave out 'or adults'.

This amendment is consequential on the removal of the adult safety duties.

Amendment 19, page 169, line 35, leave out 'or adults (as the case may be)'.—(Paul Scully.)

This amendment is consequential on the removal of the adult safety duties.

Clause 208

INDEX OF DEFINED TERMS

Amendments made: 20, page 173, leave out line 16.

This amendment is consequential on the removal of clause 55 of the Bill as amended on Report.

Amendment 21, page 174, leave out lines 6 and 7.

This amendment removes the reference in the index to the “maximum summary term for either-way offences”, as that term no longer appears in the Bill.

Amendment 22, page 174, leave out lines 24 and 25.

This amendment is consequential on the removal of clause 55 of the Bill as amended on Report.

Amendment 23, page 175, line 13, at end insert—

“restricting users’ access to content (in section 52”.—(Paul Part 3) Scully.)

This amendment adds a definition of “restricting users’ access to content” to the index of defined terms.

Schedule 3

TIMING OF PROVIDERS’ ASSESSMENTS

Amendments made: 24, page 189, line 37, leave out paragraph 6.

This amendment is consequential on the removal of clause 12 of the Bill as amended on Report.

Amendment 25, page 191, line 10, leave out ‘to 14’ and insert ‘and 13’.

This amendment is consequential on the removal of clause 12 of the Bill as amended on Report.

Amendment 26, page 191, line 18, leave out sub-paragraph (3).

This amendment is consequential on the removal of clause 12 of the Bill as amended on Report.

Amendment 27, page 191, line 22, leave out ‘to 14’ and insert ‘and 13’.

This amendment is consequential on the removal of clause 12 of the Bill as amended on Report.

Amendment 28, page 191, line 39, leave out paragraph 14.

This amendment is consequential on the removal of clause 12 of the Bill as amended on Report.

Amendment 29, page 192, line 14, leave out ‘or paragraph 6’.

This amendment is consequential on the removal of clause 12 of the Bill as amended on Report.

Amendment 30, page 192, line 15, leave out

‘, CAA or adults’ risk assessment’

and insert ‘or CAA’.

This amendment is consequential on the removal of clause 12 of the Bill as amended on Report.

Amendment 31, page 192, line 19, leave out ‘, 17 or 18’ and insert ‘or 17’.

This amendment is consequential on the removal of clause 12 of the Bill as amended on Report.

Amendment 32, page 192, line 21, leave out ‘and paragraph 6 apply’ and insert ‘applies’.

This amendment is consequential on the removal of clause 12 of the Bill as amended on Report.

Amendment 33, page 192, line 41, leave out paragraph 18.

This amendment is consequential on the removal of clause 12 of the Bill as amended on Report.

Amendment 34, page 193, line 10, leave out paragraph (b).

This amendment is consequential on the removal of clause 12 of the Bill as amended on Report.

Amendment 35, page 193, line 13, leave out

‘, a CAA or an adults’ risk assessment’

and insert ‘or a CAA’.

This amendment is consequential on the removal of clause 12 of the Bill as amended on Report.

Amendment 36, page 193, line 25, leave out

‘, a CAA or an adults’ risk assessment’

and insert ‘or a CAA’.

This amendment is consequential on the removal of clause 12 of the Bill as amended on Report.

Amendment 37, page 193, line 27, leave out ‘or paragraph 6.’

This amendment is consequential on the removal of clause 12 of the Bill as amended on Report.

Amendment 38, page 193, line 39, leave out paragraph (c).

This amendment is consequential on the removal of clause 12 of the Bill as amended on Report.

Amendment 39, page 193, line 41, leave out

‘, CAA or adults’ risk assessment’

and insert ‘or CAA’.

This amendment is consequential on the removal of clause 12 of the Bill as amended on Report.

Amendment 40, page 193, line 43, leave out ‘or paragraph 6’.

This amendment is consequential on the removal of clause 12 of the Bill as amended on Report.

Amendment 41, page 194, leave out lines 17 and 18.—(Paul Scully.)

This amendment is consequential on the removal of clause 12 of the Bill as amended on Report.

Schedule 4

CODES OF PRACTICE UNDER SECTION 36:

PRINCIPLES, OBJECTIVES,

CONTENT

Amendment made: 42, page 198, line 19, leave out paragraph (c).—(Paul Scully.)

This amendment is consequential on the removal of clause 13 of the Bill as amended on Report.

Third Reading

8.38 pm

The Secretary of State for Digital, Culture, Media and Sport (Michelle Donelan): I beg to move, That the Bill be now read the Third time.

It has been a long road to get here, and it has required a huge team effort that has included Members from across the House, the Joint Committee, Public Bill Committees, the Ministers who worked on this over the years in the Department for Digital, Culture, Media and Sport and my predecessors as Secretaries of State. Together, we have had some robust and forthright debates, and it is thanks to Members’ determination, expertise and genuine passion on this issue that we have been able to get to this point today. Our differences of opinion across the House have been dwarfed by the fact that we are united in one single goal: protecting children online.

I have been clear since becoming Secretary of State that protecting children is the very reason that this Bill exists, and the safety of every child up and down the UK has driven this legislation from the start. After years of inaction, we want to hold social media companies to account and make sure that they are keeping their promises to their own users and to parents. No Bill in the world has gone as far as this one to protect children online. Since this legislation was introduced last year, the Government have gone even further and made a number of changes to enhance and broaden the protections in the Bill while also securing legal free speech. If something should be illegal, we should have the courage of our convictions to make it illegal, rather than creating a quasi-legal category. That is why my predecessor's change that will render epilepsy trolling illegal is so important, and why I was determined to ensure that the promotion of self-harm, cyber-flashing and intimate image abuse are also made illegal once and for all in this Bill.

Vicky Ford: Will my right hon. Friend make it clear, when the Bill gets to the other place, that content that glamorises eating disorders will be treated as seriously as content glamorising other forms of self-harm?

Michelle Donelan: I met my right hon. Friend today to discuss that very point, which is particularly important and powerful. I look forward to continuing to work with her and the Ministry of Justice as we progress this Bill through the other place.

The changes are balanced with new protections for free speech and journalism—two of the core pillars of our democratic society. There are amendments to the definition of recognised news publishers to ensure that sanctioned outlets such as RT must not benefit.

Since becoming Secretary of State I have made a number of my own changes to the Bill. First and foremost, we have gone even further to boost protections for children. Social media companies will face a new duty on age limits so they can no longer turn a blind eye to the estimated 1.6 million underage children who currently use their sites. The largest platforms will also have to publish summaries of their risk assessments for illegal content and material that is harmful for children—finally putting transparency for parents into law.

I believe it is blindingly obvious and morally right that we should have a higher bar of protection when it comes to children. Things such as cyber-bullying, pornography and posts that depict violence do enormous damage. They scar our children and rob them of their right to a childhood. These measures are all reinforced by children and parents, who are given a real voice in the legislation by the inclusion of the Children's Commissioner as a statutory consultee. The Bill already included provisions to make senior managers liable for failure to comply with information notices, but we have now gone further. Senior managers who deliberately fail children will face criminal liability. Today, we are drawing our line in the sand and declaring that the UK will be the world's first country to comprehensively protect children online.

Those changes are completely separate to the changes I have made for adults. Many Members and stakeholders had concerns over the “legal but harmful” section of the Bill. They were concerned that it would be a serious

threat to legal free speech and would set up a quasi-legal grey area where tech companies would be encouraged to take down content that is perfectly legal to say on our streets. I shared those concerns, so we have removed “legal but harmful” for adults. We have replaced it with a much simpler and fairer and, crucially, much more effective mechanism that gives adults a triple shield of protection. If it is illegal, it has to go. If it is banned under the company's terms and conditions, it has to go.

Lastly, social media companies will now offer adults a range of tools to give them more control over what they see and interact with on their own feeds.

Damian Collins: My right hon. Friend makes an important point about things that are illegal offline but legal online. The Bill has still not defined a lot of content that could be illegal and yet promoted through advertising. As part of their ongoing work on the Bill and the online advertising review, will the Government establish the general principle that content that is illegal will be regulated whether it is an ad or a post?

Michelle Donelan: I completely agree with my hon. Friend on the importance of this topic. That is exactly why we have the online advertising review, a piece of work we will be progressing to tackle the nub of the problem he identifies. We are protecting free speech while putting adults in the driving seat of their own online experience. The result is today's Bill.

I thank hon. Members for their hard work on this Bill, including my predecessors, especially my right hon. Friend the Member for Mid Bedfordshire (Ms Dorries). I thank all those I have worked with constructively on amendments, including my hon. Friends the Members for Penistone and Stocksbridge (Miriam Cates), for Stone (Sir William Cash), for Dover (Mrs Elphicke), for Rutland and Melton (Alicia Kearns), and my right hon. Friends the Members for South Holland and The Deepings (Sir John Hayes), for Chelmsford (Vicky Ford), for Basingstoke (Dame Maria Miller) and for Romsey and Southampton North (Caroline Nokes).

I would like to put on record my gratitude for the hard work of my incredibly dedicated officials—in particular, Sarah Connolly, Orla MacRae and Emma Hindley, along with a number of others; I cannot name them all today, but I note their tremendous and relentless work on the Bill. Crucially, I thank the charities and devoted campaigners, such as Ian Russell, who have guided us and pushed the Bill forward in the face of their own tragic loss. Thanks to all those people, we now have a Bill that works.

Legislating online was never going to be easy, but it is necessary. It is necessary if we want to protect our values—the values that we protect in the real world every single day. In fact, the NSPCC called this Bill “a national priority”. The Children's Commissioner called it “a once-in-a-lifetime opportunity to protect all children”.

But it is not just children's organisations that are watching. Every parent across the country will know at first hand just how difficult it is to shield their children from inappropriate material when social media giants consistently put profit above children's safety. This legislation finally puts it right.

8.46 pm

Lucy Powell (Manchester Central) (Lab/Co-op): I am relieved to finally speak on Third Reading of this important Bill. We have had a few false dawns along the way, but we are almost there. The Bill has seen parliamentary dramas, arcane procedures and a revolving door of Ministers. Every passing week throws up another example of why stronger online regulation is urgently needed, from the vile Andrew Tate and the damning Molly Russell inquest to threats to democracy and, most recently, Elon Musk's takeover of Twitter and ripping up of its rules.

The power of the broadcast media in the past was that it reached into everybody's living rooms. Today, in the digital age, social media is in every room in our home, in every workplace, in every school, at every event and, with the rise of virtual reality, also in our heads. It is hard to escape. What began as ideas on student campuses to join up networks of old friends are now multibillion-pound businesses that attract global advertising budgets and hold hugely valuable data and information on every aspect of our lives.

In the digital age, social media is a central influence on what we buy, often on what we think, how we interact and how we behave. The power and the money at stake are enormous, yet the responsibilities are minimal and the accountability non-existent. The need to constantly drive engagement and growth has brought with it real and actual harms to individuals, democracy, our economy, society and public health, with abusers and predators finding a new profitable home online. These harms are driven by business models and engagement algorithms that actively promote harmful content. The impact on children and young people can be particularly acute, even life-threatening.

It is for those reasons and others that, as a country and on a cross-party basis, we embarked many years ago on bringing communications from the analogue era into the digital age. Since the Bill was first mooted, we have had multiple Select Committee reports, a Joint Committee and even two Public Bill Committees. During that time, the pace of change has continued. Nobody had even heard of TikTok when we first discussed the Bill. Today, it is one of the main ways that young people get their news. It is a stark reminder of just how slow-moving Government legislation is and how we will probably need to return to these issues once again very soon—I am sorry to break that to everybody—but we have got there for now. We will at least establish a regulator with some tough powers, albeit with a much narrower scope than was originally conceived.

Sir George Howarth (Knowsley) (Lab): I warmly endorse what my hon. Friend is saying. Does she agree with the right hon. Member for Chelmsford (Vicky Ford), who intervened on the Secretary of State, that further work is needed to prevent platforms from promoting different forms of eating disorders?

Lucy Powell: I absolutely endorse those comments and I will come on to that briefly.

We never thought that the Online Safety Bill was perfect and we have been trying to work with the Government to improve it at every stage. Some of that has paid off and I put on record my thanks to my hon.

Friend the Member for Pontypridd (Alex Davies-Jones) for her truly brilliant work, which has been ably supported by my hon. Friend the Member for Worsley and Eccles South (Barbara Keeley). I thank the various Ministers for listening to our proposals on scam ads, epilepsy trolling and dealing with small but high harm platforms, and I thank the various Secretaries of State for their constructive approaches. Most of all, I, too, thank the campaigners, charities and families who have been most affected by the Bill.

I welcome today's last-minute concessions. We have been calling for criminal liability from the start as a means to drive culture change, and we look forward to seeing the detail of the measure when it is tabled in the other place. I also welcome that the Bill will finally outlaw conversion practices, including for trans people, and will take tougher action on people traffickers who advertise online.

On major aspects, however, the Government have moved in the wrong direction. They seem to have lost their mettle and watered down the Bill significantly by dumping whole swathes of it, including many of the harms that it was originally designed to deal with. There are still protections for children, albeit that age verification is difficult and many children pass themselves off as older online, but all the previous work on tackling wider harms has been dropped.

In failing to reconcile harms that are not individually illegal with the nature of powerful platforms that promote engagement and outcomes that are harmful, the Government have let the big tech companies off the hook and left us all more at risk. Online hate, disinformation, sensationalism, abuse, terrorism, racism, self-harm, eating disorders, incels, misogyny, antisemitism, and many other things, are now completely out of scope of the Bill and will continue to proliferate. That is a major loophole that massively falls short of the Bill's original intention.

I hope that the other place will return to some of the core principles of the duty of care, giving the regulator wider powers to direct terms and conditions, and getting transparency and accountability for the engagement algorithms and economic business models that monetise misery, as Ian Russell described it. I am confident that the other place will consider those issues carefully, sensitively and intelligently. As I have said, if the Bill is not strengthened, it will fall to the next Labour Government to bring in further legislation. For now, I am pleased to finally be able to support the Online Safety Bill to pass its Third Reading.

8.52 pm

Kirsty Blackman: It has taken a while to get to this point; there have been hours and hours of scrutiny and so much time has been spent by campaigners and external organisations. I have received more correspondence on this Bill from people who really know what they are talking about than on any other I have worked on during my time in the House. I specifically thank the NSPCC and the Mental Health Foundation, which have provided me with a lot of information and advice about the amendments that we have tabled.

The internet is wonderful, exciting and incredibly useful, but it is also harmful, damaging and scary. The Bill is about trying to make it less harmful, damaging

and scary while allowing people to still experience the wonderful, exciting and useful parts of it. The SNP will not vote against the Bill on Third Reading, but it would be remiss of me not to mention the issues that we still have with it.

I am concerned that the Government keep saying Children's "Commissioner" when there are a number of Children's Commissioners, and it is the Children's Commissioner for England who has been added as a consultee, not the other ones. That is the decision that they have made, but they need to be clear when they are talking about it.

On protecting children, I am still concerned that there are issues on which the Bill is a little bit too social media-centric and does not necessarily take into account some of the ways that children generally interact with the internet, such as talking to their friends on Fortnite, talking to people they do not know on Fortnite and talking to people on Roblox. Things that are not caught by social media and things that are different are not covered by this as well as I would like. I am concerned that there is less an ability for children not to take part in risky features—to switch off private messaging and livestreaming, for example—than there is just to switch off types of content or features.

Lastly, on the changes that have been made, I do not know what people want to say that they felt they could not say as a result of the previous version of the Bill. I do not know why the Government feel it is okay to say, "Right, we're concerned about 'legal but harmful', because we want people to be able to promote eating disorder content or because we want people to be able to promote self-harm content." I am sure they do not—I am sure no Ministers want people to be able to promote that—so why have they made this change? Not one person has been able to tell me what they believe they would not be able to say under the previous iteration of the Bill. I have not had one person be able to say that. Ministers can just say "free speech" however much they like, but it does not mean anything if they cannot provide examples of what exactly it is that they believe somebody should be able to say that they could not under the previous iteration of the Bill.

I am glad that we have a Bill and I am glad to hear that a future Labour Government might change the legislation to make it better. I hope this will provide a safer environment for children online, and I hope we can get the Bill implemented as soon as it is through the Lords.

8.56 pm

Andrew Percy (Brigg and Goole) (Con): I know how unpopular it can be at 9 o'clock at night to detain the House further. However, I did speak on previous stages of the Bill, and I want to speak about a couple of issues this evening.

I thank the Secretary of State for her meetings with me and members of some of our Jewish community groups about the change to "legal but harmful". She knows we were not particularly happy when we heard the first iteration of what was proposed, but I think we have got to a position where Jewish community groups have been able to row in behind this Bill. It may be imperfect in some ways, but it is certainly a lot better than the starting point we were coming from. I also pay

tribute to the shadow Minister, the hon. Member for Pontypridd (Alex Davies-Jones), who has also worked very hard, particularly on the issue of antisemitism. As I say, I thank the Secretary of State for getting us into a position, through her hard work, where we and groups such as the Centre for Countering Digital Hate are very supportive of the Bill.

I and the hon. Member for Croydon Central (Sarah Jones) were in Washington with the Antisemitism Policy Trust just before Christmas, when we met Members of Congress and Senators, who told us how much this piece of legislation was very much world-leading and very much an indicator for where they intend or would like to get to, although things are little bit more complicated there because of the constitutional issues. This is indeed a world-beating piece of legislation. As with all legislation, it is imperfect, but it is a piece of legislation of which we can still be very proud.

I am pleased that we have dispensed with some of the nonsense about free speech arguments, because some of those put forward were nonsense. There is a misunderstanding by some people—I have to say, sadly, on my side of politics—that free speech is presented as an ability to say anything without consequences, but that is not what free speech is. We should always remember that there are consequences to some of the things we say, and there should be consequences.

I want to speak briefly about the issue of conspiracy theories and this legislation, particularly antisemitic conspiracy theories. I am sorry to detain the House, but I do think this is an important issue at the moment, given that we have had a Member of this House in recent times promoting anti-vaccine conspiracy theories. The juxtaposition of covid conspiracy theories and anti-vaccine conspiracy theories with antisemitism is, I am afraid, one that we see all too often in the online space. The Bill will do something to address that, but we have to do more.

I want to give a couple of examples in the few minutes I have of what coronavirus conspiracy theories and antisemitism have looked like. We have had huge amounts of online material produced that suggests everything from "covid is not real and is a Jewish conspiracy" to "covid is real and was designed and spread by Jews". We have had a celebration of Jewish deaths through conspiracy theories, and even the promotion of conspiracy theories around vaccines and the role of Jews. The Antisemitism Policy Trust, and the CST in its briefing "Covid, conspiracies & Jew-hate", highlight the anti-vaccine element of antisemitism. We have seen gratuitous online content of Jews being presented as scientists holding syringes, and Jews who work as senior executives in various pharmaceutical companies have been targeted because of their faith. We have even seen the menorah presented with lots of syringes on it. All that is deeply antisemitic, conspiracy theory hate, based around the vaccine and the antivaxxer movement.

A colleague of ours recently found himself in trouble, quite rightly—I praise our Chief Whip for acting so swiftly on this—for promoting a tweet that likened the covid vaccine to the holocaust. Although that in and of itself is not necessarily antisemitic, we have seen anti-covid groups using gratuitous holocaust imagery in their campaign against the vaccines and the promotion of other covid conspiracies. It is not a very big step from promoting a holocaust image to entering into deep and dangerous

[Andrew Percy]

antisemitism, and I am afraid that a lot of the anti-covid and anti-vaxxer movement find themselves in that space. It is vital that people in government and across this House call that nonsense out for what it is, which is dangerous, anti-science crap.

The Bill will go some way to addressing that, particularly the elements that are related to antisemitism and illegal content, but we need to do a lot more in the future. I am a big supporter of the Bill, and pay particular tribute to the Secretary of State, her officials and ministerial team for getting it to this point, but there will be a lot more to do. I am afraid this hate is there and is not going away. Since I called out what happened last week my inbox has exploded with all sorts of conspiracy theory nonsense, threats, and antisemitic emails and calls to the office. I know the Chief Whip has suffered the same. There is a lot more to do. I hope I have not detained the House for too long, and I support the Bill. It is a good start, it is world-leading, but we will have to come back to the issue as technology develops, because there will be more to do in this space. I end by associating myself with the calls with regards to advertising. The amount of advertising money in some of these hate sites is staggering and frightening, and we will have to do more on that.

Question put and agreed to.

Bill accordingly read the Third time and passed.

SPEAKER'S COMMITTEE FOR THE INDEPENDENT PARLIAMENTARY STANDARDS AUTHORITY

Ordered,

That Mrs Heather Wheeler be appointed to the Speaker's Committee for the Independent Parliamentary Standards Authority, until the end of the present Parliament, in pursuance of paragraph 1(d) of Schedule 3 to the Parliamentary Standards Act 2009, as amended.
—(Penny Mordaunt.)

PETITION

Pre-payment meter energy customers and self-disconnection

9.3 pm

Anne McLaughlin (Glasgow North East) (SNP): The Prime Minister earns a much higher than average salary, and is already one of the wealthiest men in the UK. He cannot and does not argue that he is too poor to pay his energy bills, so if he stopped paying them it would be for no good reason. Although his energy company might eventually disconnect his supply, it would phone him, send him reminder letters, and offer him debt counselling. All the while, which can be as long as a year, he would be allowed to build up debt. If someone on a pre-payment meter stops paying, normally because they simply do not have the money, their energy will automatically be cut off. It is called self-disconnection and it happens when the customer is in as little debt as £5. It is completely unjust. The petition states:

The petition of residents of the United Kingdom,

Declares that 4 million pre-payment energy customers, who are some of the most vulnerable in society and are more likely to be classed as fuel poor, are not afforded the same rights when in energy debt as standard credit and direct debit customers, allowing just minimal levels of debt, currently just £5 in some cases, before being disconnected from their energy supply; recognises the inherent risk to life for anyone disconnected from their energy supply, in particular the 1 million pre-payment meter customers with disabilities; notes that 3.2 million customers 'self-disconnected' last year as they ran out of credit, more in 2022 than in the last 10 years combined; notes that the term 'self-disconnection' alludes to an element of choice, but there is no choice for millions of households during this cost of living crisis; further notes that pre-payment energy customers pay more per unit of energy and more in standing charges than those who pay by standard credit and direct debit.

The petitioners therefore request that the House of Commons urges the Government to issue a ban on 'self-disconnection' for pre-payment customers; further urges the Government to ensure that pre-payment customers are given the same level of advice and support and the same length of time to pay as all other customers.

And the petitioners remain, etc.

[P002792]

Cost of Energy: Ceramics Sector

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

9.5 pm

Jonathan Gullis (Stoke-on-Trent North) (Con): The small but mighty city of Stoke-on-Trent is the home of our country's outstanding ceramics manufacturing industry. Its rich history and heritage in ceramics played a leading role in the United Kingdom's industrial revolution, putting our great city on the map around the world. It is important to point out that the term "ceramics" covers not just the important tableware and giftware sector but bricks, clay roof tiles and pipes, wall and floor tiles, sanitary ware, refractories—critical to manufacturing steel and glass among other items—and advanced technical ceramics used in everything from aerospace to medicine.

In Stoke-on-Trent North, Kidsgrove and Talke, we have world-class ceramics businesses such as Churchill China, Steelite, Burleigh, Moorcroft and Johnson Tiles, to name a few. They all welcome the energy bill relief scheme, but I worry that energy-intensive ceramics businesses will still face crippling energy bills if prices spike next winter or sooner.

Aaron Bell (Newcastle-under-Lyme) (Con): I am grateful to my hon. Friend and neighbour for giving way. Next door, in Newcastle-under-Lyme, we do not have quite as many firms as in Stoke-on-Trent, but we do have Silverdale Bathrooms and Ibstock Brick, which makes bricks in Chesterton. They have both come to me because they are also worried about the potential for energy prices to go back up if support is not there in the future. We all hope that the increase in energy prices is temporary. Does it not make sense—I am sure that he will come to this—for the Government to shepherd our companies through the war in Ukraine and this period of difficult energy times so that they can continue to provide jobs for our constituents for many years to come?

Jonathan Gullis: I am grateful to my hon. Friend, who is an incredible champion for the people of Newcastle-under-Lyme and the ceramics sector, as well as my hon. Friend the Member for Stoke-on-Trent South (Jack Brereton), who is sat behind me—he was made in Stoke-on-Trent, born and bred, and is the heartbeat of our city. It is great to be surrounded by such supportive colleagues. My hon. Friend the Member for Newcastle-under-Lyme (Aaron Bell) is correct to say that as support will decrease from April onwards, there is a fear that, if prices were to go back up, while companies may be receiving good orders, they would be left with unaffordable bills. Wages are also having to be increased massively just to retain staff, let alone manage the recruitment crisis that the sector presently faces.

Jim Shannon (Strangford) (DUP): I commend the hon. Gentleman on bringing forward the debate. I always like to come and support him, as he does me.

There is a local, independently owned ceramics businesses named Eden Pottery in my constituency. Some of its ceramics and pottery were used during the October season of "The Great British Bake Off", so it has a bit of prominence. There has been recent news that the £150 payment will be distributed to small and medium-sized businesses at the end of February, but in some cases

energy prices are trebling, so that will not really make a dent—I guess that that is what the hon. Gentleman is referring to. Does he agree that a greater assessment must be undertaken on the impact of that payment, and that additional funding really needs to be found as soon as possible?

Jonathan Gullis: I am grateful to the hon. Member, who is a really good friend. It is incredible that Strangford finds a way of linking itself to every single one of our constituencies across the House, and it could not be better served than by him; he is a doughty champion. I look forward to exchanging some pottery with him in the near future so that we can share in our fine ceramics. He is indeed correct to make the point about the cost implications of rising gas prices and the danger to small, medium and large firms, which could see lots of jobs lost if support goes earlier than it should do.

Jack Brereton (Stoke-on-Trent South) (Con): I congratulate my hon. Friend on securing this important debate. The ceramics sector has not received the level of support that many other energy-intensive sectors have to help with the transition and decarbonisation. Does he agree that, given that 97% of businesses in the ceramics industry are SMEs, the ceramics sector really needs a dedicated pot of funding from the Government to invest in the transition and in improving energy efficiency measures?

Jonathan Gullis: I am extremely grateful to my hon. Friend for his fantastic words. He is indeed correct to say that the ceramics industry has already put about half a billion pounds of its own money into decarbonisation and energy efficiency. I totally agree and understand that steel is important to this nation's history as well as its future, but ceramics are just as important. Ceramics are in our mobile phones, and our kneecaps in some cases, as well as in the aerospace adventures we want to see—aeroplane engines literally would not fly without the ceramic film that goes around them. Ceramics are so important, with about 20,000 jobs across our United Kingdom dependent on them, so I hope we will see some support for them. The chase to net zero is fine, but we cannot do it by damaging the ceramics sector. We want to remain competitive with the world while China continues to dump its cheap, unruly products on our country unfairly. Thankfully, we are protected by tariffs for now—we need a longer-term commitment to them—but we also need the carbon border scheme and adjustments to ensure that we are competitive with mainland Europe. I totally concur with my hon. Friend.

On average, gas is roughly 10% of the cost of manufacturing a plate. However, companies are currently exposed to gas costs five times what they were for many years and have seen gas prices hit 20 times the previous normal cost. Companies should, of course, aim to build some resilience into their processes, but that kind of market fluctuation is beyond anything they could reasonably have planned for. Regrettably, businesses will certainly be put at a disadvantage because of the rapid and staggering rise in energy prices. Increased energy costs could have a significant impact on local businesses that do so much for the community. I want to ensure that the UK Government are acutely aware of the impact the cost of energy is having on UK ceramics and get a commitment from them that they will do all they can to protect it.

[Jonathan Gullis]

First, it is vital to point out the significance of the ceramics industry. As a proud Member of Parliament for Stoke-on-Trent North, Kidsgrove and Talke, an area that is hugely proud of the ceramics industry, I want to point out the ceramics industry's centrality to both the national and local economies. The UK ceramics industry employs around 20,000 people. It is a crucial part of Stoke-on-Trent. Johnson Tiles, established in 1901, made over half of the 888,246 ceramic poppies for the Tower of London, commemorating all British and colonial servicemen who died in the first world war, and employs over 200 people in Stoke-on-Trent.

The UK ceramics industry contributes around £2 billion to the UK economy, which really does mean that ceramics are one of our country's last great exports. The British Ceramic Confederation, which represents over 90% of UK ceramic manufacturers and whose chief executive is Rob Ffello, estimates that the ceramic industry exports around £600 million a year. We use the world-leading products designed by companies such as Steelite, Churchill China and Burleigh in this place, in the Members' Dining Room and Portcullis House, to name just a few. The very tiles on the floor just down the corridor in Central Lobby, at the very centre of our great democracy, are from Stoke-on-Trent. Sadly, it is a constant source of irritation and frustration to me that there are not anywhere near enough Stoke-on-Trent-made ceramics in Government Departments. Therefore, one of my first initiatives in my brief stint at the Department for Education was to ensure all tableware in my ministerial office was made in Stoke-on-Trent. I am very proud that my former private office in the Department for Education now proudly boasts its cups and saucers.

Not only does the UK ceramics industry clearly play a crucial role in both the national and local economies, but it is impossible to understand enough the emotional significance of this historic industry. For the people of Stoke-on-Trent and wider north Staffordshire, the ceramics industry is a source of immense pride. Local manufacturers are being priced out of the market by companies overseas in places such as China. This is, of course, at huge expense of the end product's quality, as we all know that "Made in Stoke-on-Trent" is a sign of excellence.

The ceramics industry is an immensely energy-intensive industry. As such, Putin's abhorrent, illegal and immoral invasion of Ukraine in February of last year has had a demonstrable impact on the industry. Gas prices have caused considerable instability in the ceramics industry, which is traditionally used to very reasonable energy prices. The base rate for wholesale gas prices is now £1.62, which is four times its stable average before February 2022.

Research by UK ceramics manufacturers suggests that productivity costs are exponentially higher—the average is 47% higher—in addition to an enormous increase in the price of energy. Again, research points to a staggering increase in costs, this time of around 400%. The UK has been hit especially hard by the global energy crisis, and our ceramics manufacturers have significantly higher overheads. By contrast with the UK, average price increases for overseas factories are only 29%. All this means that the sales volumes of ceramics manufacturers in Stoke-on-Trent are impacted

and they struggle to compete against imported competition from cheap-labour countries such as China and European countries with far more generous support packages.

The shocking increases in prices meant that the Government's previous energy relief scheme was so important for the ceramic industry and Stoke-on-Trent's leading ceramics businesses. One manufacturer told me that over the winter months the scheme saved them an estimated £4 million, giving them a huge boost in these turbulent times. In times of global instability, the scheme has allowed our first-class manufactures to remain competitive, keeping their high-quality products on the market and on our shelves.

I welcome that the new scheme from April seems to include UK ceramics manufacturing, but overall it is still going to have a significant impact on manufactures' overheads and thus competitiveness. In places such as Spain and Italy, which is a major competitor country on ceramics, their major ceramics businesses are being underwritten and helped to cope with energy costs. UK ceramics also struggle to compete with German competitors, which have electricity rates that are 38% lower.

For UK ceramics manufacturers to be most competitive, we need a level of support similar to that for, or at parity with, European businesses. This will ensure that the ceramics industry, the jewel in the crown of our great country's manufacturing, is able to prosper well into the future. One way we could do this is to consider getting rid of regulations in order to make it easier for UK ceramics manufacturing sites to be regenerated. We could thereby drastically improve the short and long-term prospects of UK ceramics. Furthermore, we can point to other manufacturing industries such as textiles and plastics that are also struggling. If we cannot and do not support these industries, the UK will be far less competitive and, crucially, it will deter foreign investment. This puts skilled jobs at risk, not just in Stoke-on-Trent but throughout the country.

I must put on the record the devious behaviour of some energy suppliers that have sought to use never-before-used small-print clauses to levy additional charges and fees as a way around the price cap. I am aware of a business that was hit out of the blue with a £3 million bill for gas that the supplier bought from the wholesale market but that was seemingly lost in transit to its customers. It is important to note that the gas was never used by the manufacturer but was nevertheless charged to that customer. There are other examples of poor business practice used to extract money from hard-pressed UK ceramics manufacturers.

The UK ceramics industry is working tirelessly to become carbon neutral, as my hon. Friend the Member for Stoke-on-Trent South pointed out. In an energy-intensive industry, in the current energy crisis, this is all the more commendable. With the publication of the Skidmore review on net zero, the House should note that China still builds most of the world's coal-fired power stations. UK ceramics manufacturers have to compete against a country that is not tied down by net zero targets. Many UK ceramics businesses are working with the British Ceramic Confederation to research the production of various ceramic products using hydrogen-fired kilns, and many UK ceramics manufacturers have signed up to the confederation's net zero commitment by 2050.

As I outlined earlier, Stoke-on-Trent was at the beating heart of Britain's first industrial revolution, and I am adamant that it can also be the centre of the green revolution, too. The British Ceramic Confederation is looking into the development of hydrogen technology to power factories. This is an exciting opportunity for the Government to support a crucial industry while also making this country more self-sufficient. As we all know, the war in Ukraine has vividly illustrated the importance of not relying on other countries for our energy.

In May, the British Ceramic Confederation was delighted to announce that £300,000 of Government funding had been awarded for a project to study the feasibility of using hydrogen as a fuel for the UK ceramics sector as the industry pushes towards net zero targets. This was a fantastic and highly welcome first step in supporting the ceramic industry to achieve net zero. Today, I ask the Minister to clarify what next steps the Government will take to further advance our goal of achieving net zero by 2050 by providing direct support on innovation to the UK ceramics industry? Will the Minister meet me and colleagues from the ceramics sector to explore direct research funding?

The purpose of this debate was to highlight, on the Floor of the House, the impact of the cost of energy on our great ceramics sector. It is impossible to overstate its centrality, at both local and national level, to communities such as Stoke-on-Trent North, Kids Grove and Talke. I therefore implore the Minister to demonstrate that the Government remain steadfast in their support for the sector and those who work in it. As I have said, they are a fundamental element of Stoke-on-Trent's economy, its jobs and its heritage.

This is one of our great country's last great assets, and it is of paramount importance that we support it.

9.20 pm

The Minister for Industry and Investment Security (Ms Nusrat Ghani): I congratulate my hon. Friend the Member for Stoke-on-Trent North (Jonathan Gullis) on securing the debate. As usual, he made a sensible and well-rounded speech. He is always lobbying the Department very hard, and he continues to be a champion for UK ceramics manufacturers. I am grateful to him for describing the impacts on the sector so clearly, and I can confirm that we in the Government are indeed steadfast in our support for it. Following Putin's barbaric invasion of Ukraine, we committed billions of pounds to help households and businesses keep the lights on this winter, and I can reassure Members that we want to keep the kilns firing as well.

The Government recognise the significant contribution that energy-intensive industries make to this country. We know how valuable they are to local economies and communities, providing about 375,000 jobs directly, and millions more in the industries that they support through supply chains. That is particularly true of Stoke-on-Trent North, the birthplace of Wedgwood, some of whose china now sits proudly in my hon. Friend's former Department, and whose strong connection with the ceramics sector continues to this day.

My right hon. Friend the Prime Minister has set out our objective, which is to grow the economy with better-paid jobs and improved opportunities throughout the country. If we are to meet that objective, energy-intensive industries

such as ceramics, glass and steel will be crucial. As we continue our transition to net zero, about which my hon. Friend spoke so passionately, they will also be crucial to the manufacture of everything from electric cars to wind turbines, and we will do all we can to support them. In my role as Minister for Industry, I have engaged with business and trade associations, and have witnessed at first hand their drive and passion to work with the Government to find a sustainable solution to those challenges that works for us all.

We can all agree that the last few years have been exceptionally difficult for everyone, and energy-intensive industries were no exception. Looking forward, however, I am confident that we can deliver a better future, unlocking the opportunities that net zero offers to build resilient industries bringing growth and jobs to communities across the country and providing security, opportunity and prosperity in the years to come. We have already made enormous progress: between 1990 and 2019 we grew our economy by 76% and cut our emissions by 44%, decarbonising faster than any other G7 country.

However, there is a long way still to go, and given our present economic conditions it is more important than ever to accelerate the move away from fossil fuels and towards clean, affordable energy. We are clear about the fact that we must do all we can to ensure that we drive the green transition in a way that is resolutely pro-business and pro-growth, ensuring that no one is left behind on our journey to a low-carbon future, and as we do so we will consider carefully the recommendations of the Skidmore review, published last week.

My hon. Friend talked about low-carbon hydrogen and carbon capture. We know that there is a huge amount of potential in those transformative forms of energy, which will support the UK on its journey to energy independence and offer vital British industries such as the ceramics sector an opportunity to make the transition away from expensive oil and gas. These are technologies in which we are at the cutting edge globally, and we have set our ambitions high. We are aiming for up to 10 GW of low-carbon hydrogen production capacity by 2030, including four carbon capture, utilisation and storage clusters, and we are delighted that industry is doing the same. We support the British Ceramic Confederation's ambition to use hydrogen technology, and we would be happy to discuss its plans further.

In recognition of the increased pressure facing all businesses, the Government took bold action. In October 2022 we announced the introduction of the energy bills relief scheme for Great Britain and Northern Ireland, which provides a price reduction to ensure that all eligible businesses and other non-domestic customers are protected from excessively high energy bills over the winter. The relevant price reduction for each business is being automatically applied to its bills by its supplier on the basis of eligibility, but I will come to the case that my hon. Friend mentioned.

As soon as that scheme was under way, we started a review of it to help to inform our next steps when it comes to an end on 31 March 2023. Last week we announced the successor to the energy bill relief scheme, which will be called—they love their titles—the energy bills discount scheme. As with the current scheme, the new one will be aimed at everyone on a non-domestic contract, including businesses, voluntary sector organisations and public sector organisations such as schools, hospitals and care

[Ms Nusrat Ghani]

homes. This will provide a discount on gas and electricity unit prices for energy bills during the 12-month period from April 2023 to March 2024, subject to a maximum discount. The relative discount will be applied if wholesale prices are above a certain price threshold.

Also as with the current scheme, suppliers will automatically apply reductions to the bills of all eligible non-domestic customers. Recognising that some non-domestic energy users in Great Britain and Northern Ireland are particularly vulnerable to high energy prices due to their energy intensive and trade exposure, these sectors will receive a higher level of support, subject to a maximum discount. The ceramics sector forms part of this group. These businesses, which we refer to as energy and trade-intensive industries, will however need to apply for the higher level of support, and we will work with the sectors, including ceramics, over the coming weeks and months as we finalise the details of this part of the scheme. I spoke to my hon. Friend the Member for Stoke-on-Trent North earlier today to confirm that he will be invited to those meetings.

Additionally, the Government are determined to secure a competitive future for our energy-intensive industries for the long term. In recent years, we have provided extensive support, including more than £2 billion to help with the cost of electricity and to protect jobs. This support includes electricity price relief schemes for eligible energy-intensive industries such as chemicals, cement, ceramics, paper, glass and steel. One of the specific EII schemes is the exemption scheme, which provides relief for a share of the indirect costs arising from the renewable levies. Eligible businesses receive a discount on their electricity bills and the UK ceramics sector received around £17 million from this scheme between 2016 and 2021. I know that my hon. Friend will want more, and we will obviously keep an eye on this.

In addition, there are several other funds in place to support businesses with high energy use to increase efficiencies and reduce emissions, including the £315 million industrial energy transformation fund, which will help to enable the sector to go green. As my hon. Friend will be aware, the ceramics sector recently secured £18.3 million for the Midlands Industrial Ceramics Group from the Government's Strength in Places fund to help establish a global centre for advanced technical ceramics. This will ultimately lead to the creation of 4,200 jobs by 2030.

Jack Brereton: The Minister mentioned the fund that is available for energy-intensive sectors. Given that 97% of the sector is small and medium-sized enterprises, they are often excluded from the funds while the larger energy-intensive industries get them. Can we not have some dedicated funding for the ceramics sector, given that it is mainly made up of SMEs and has previously been excluded from bidding for a lot of this funding?

Ms Ghani: My hon. Friend makes a sensible intervention, and I must put on record that he has made a number of recommendations to the Department on behalf of the sector. This is a discussion that is taking place with the Minister responsible for small businesses, so I cannot make a commitment here, but I do not doubt that that will indeed be on the table in the meeting that will take place with my hon. Friend the Member for Stoke-on-Trent North.

I do not have long and I want to respond to two further points that my hon. Friend made. We know that there is more to do. In the 2022 British energy security strategy, the Government recognised that UK industrial electricity prices were higher than those of other countries and said that they would act to address this. With this in mind, we have already extended the EII compensation scheme for a further three years through to 2025 and doubled the budget for the scheme in the process. We are also actively considering other measures to support business, including increasing the renewables obligation to 100%. The carbon adjustment mechanism has been mentioned, and I want to make it clear that we are consulting on that.

My hon. Friend raised the dreadful case of the £3 million bill where these savings were not passed on. I want to put on record that a letter has been sent to Ofgem by the Secretary of State, and that my hon. Friends the Members for Stoke-on-Trent North, for Stoke-on-Trent South (Jack Brereton) and for Newcastle-under-Lyme (Aaron Bell) are doing a fantastic job for the ceramics sector.

We made it very clear when we wrote to Ofgem that we meet regularly with the British Ceramic Confederation and that we are incredibly concerned on behalf of the industry when savings are not passed on. I have a copy of the letter, but I do not have authorisation to share it with my hon. Friend the Member for Stoke-on-Trent North. Hopefully I will get authorisation soon so he can share the letter with the sector.

I know that I am going over time, but it is incredibly important that we support the ceramics sector, which is important to so many jobs up and down the country. We do not want it to fail because of cheap Chinese imports. We know the sector faces challenges, and we will do everything we can to support it to rebuild and to unlock its potential for clean technologies that drive the green transition.

I thank my hon. Friend once again for his contribution to this debate and for working so closely with the Department on behalf of the ceramics sector. I look forward to our next meeting.

Question put and agreed to.

9.29 pm

House adjourned.

Westminster Hall

Tuesday 17 January 2023

[SIR GEORGE HOWARTH *in the Chair*]

Doctor Training

9.30 am

Anthony Browne (South Cambridgeshire) (Con): I beg to move,

That this House has considered the potential merits of training additional doctors.

I shall start with a quiz. Who does not like a quiz? What do Members think is the most common nationality among doctors working in the NHS who trained as doctors in Bulgaria? I know that sounds like a silly question—surely Bulgarians train as doctors in Bulgaria and come to work in the NHS—but no, two thirds of NHS doctors who trained in Bulgaria are British, not Bulgarian. Indeed, there are more British people training to be doctors at a medical school in Plovdiv in Bulgaria than there are at Plymouth medical school in Britain.

I imagine Members are thinking, “That makes no sense. How can it be?” Well, those bright, young British people who are clearly capable of being doctors could not get places at medical schools in the UK, so they went off to be trained in Bulgaria before coming back to the UK to work in the NHS. Members might think that that is a stroke of genius by British policymakers—getting other countries to train our doctors; think of the money that saves the Treasury. This has been British Government policy for decades: we do not need to train enough doctors for our needs because other countries will train doctors for us, and they will come to work for us anyway. The purpose of the debate is to show that that Whitehall orthodoxy is not just seriously flawed, but against our national interest. It also harms some of the most deprived countries in the world.

The Government launched their independent NHS workforce review at the end of last year, and it will look at many of those issues. I look forward to hearing the Minister's thoughts on the review. The purpose of the debate is to step up the political pressure to ensure that the Government reach the right conclusion, which is that, as a country, we should aim to train enough doctors for our own requirements.

I should declare that I have a big constituency interest in the issue. South Cambridgeshire is the life sciences capital of Europe with a biomedical campus, two major hospitals and two more planned, countless world-leading medical research institutes and hundreds of life science companies. All those are impacted by our national refusal to train enough doctors for our needs.

The first thing to say about our national policy of not training enough doctors is that it has clearly failed. We would have to be hermits to be unaware of the pressure the NHS is facing, with record waiting times at A&E and waiting lists for operations. There are many reasons for those, such as it being winter and the covid backlog, but one of the biggest structural reasons is the workforce. There is a shortage of medical workers of all types, including nurses but in particular doctors, and there are a staggering 132,000 vacancies in the NHS of which

10,000 are for doctors. A recent survey by the Royal College of Physicians found that 52%—more than half—of advertised consultant posts went unfilled, primarily because no one applied for them.

Despite being among the most interesting places on the planet for doctors to work—I agree; I am biased—even my own hospitals in South Cambridgeshire struggle to fill their posts. Across the country, there are doctor deserts in which health authorities have real problems in getting doctors to come and work, and rural, coastal and inner-city areas are struggling the most to fill their vacant posts. The Government are trying to implement their commitment to increase the number of GPs by 6,000, which I strongly support, but in reality, the number of full-time equivalent GPs has been dropping by about 1% a year. There just are not enough doctors.

The international figures highlight the scale of the problem. The UK has just 2.8 doctors per 1,000 people, which is significantly below the OECD average of 3.5. It is even further behind the figure for some of our European neighbours, which have more than four doctors per 1,000 people. To reach the OECD average, the NHS would need an additional 45,000 doctors. Imagine the impact they would have on our waiting lists.

Desperate hospital managers are driven to fill the gaps by employing locum medical workers at pay rates vastly greater than they would be if those people were employed directly, and the bill for locums across the NHS is a massive £6 billion a year—a huge waste of taxpayers' money.

I do not need to labour the arguments: there is a clear political consensus that current NHS workforce planning is not working. There are many short-term and medium-term sticking plasters for the NHS workforce crisis. We need to reduce the number of doctors who leave the NHS through early retirement, leave for other professions or seek a better life overseas. We need to retain more doctors through improved conditions and financial incentives. We need to improve working practices to give doctors greater flexibility over their lives. We need urgently to update the nonsensical pension regulations that are forcing experienced consultants and GPs to retire early.

Another medium-term solution to reduce strain on doctors is empowering physician assistants, nurses and pharmacists to take on additional duties through new regulations, for example on prescriptions.

James Sunderland (Bracknell) (Con): I commend my hon. Friend on his excellent speech; I agree with every single word. Would he recognise that the inflow of doctors to the NHS is part of a wider package? He alludes to the appalling high salaries being paid to locums. That is preventing doctors from getting contracts for surgeries locally, which is a problem in Bracknell. Would he also agree that we have to bring doctors back from retirement and other professions? That is about improving inflow at every level, across the whole of the service.

Anthony Browne: I agree fully with my hon. Friend that training more doctors is just one part of the solution. There is no point training them if they suddenly leave. We need to ensure that they are not incentivised to retire early, and that they stay working in the NHS.

[Anthony Browne]

According to a study by the health consultancy Candesic, only one in four pharmacists are currently allowed to prescribe; 6,000 pharmacists a year could be trained to prescribe, at a cost of £12 million a year. Those are all things that we should be doing anyway, but they will clearly not solve the problem on their own.

The NHS has historically attempted to make up the shortfall of doctors by hiring them from overseas. That decades-old Government policy means that the majority of new NHS doctors are now trained overseas. Only 45% of doctors joining the General Medical Council register last year were trained in the UK—less than half. A similar percentage were international medical graduates from outside Europe, and the remaining 10% came from the European economic area.

Those overseas medical workers keep the NHS going; they provide expertise and care and are part of the exchange of ideas and experience that drives medicine forward. They are very welcome, but relying on other countries to train our doctors for us is not a long-term, sustainable solution. First, it leads to a global doctor shortage, which harms the world's most vulnerable countries the most. We are far from being the only rich country to try to save money by getting other countries to train doctors for us. In fact, when it comes to training doctors, we are in the middle of the pack. We train 13.1 medical graduates per 100,000 inhabitants. That is more than the US, at 8.5, and Germany, at 12 per 100,000, but we are behind countries such as Italy, at 18.7 medical trainees per 100,000 people, and the world leaders, Ireland, at 25.4.

The World Health Organisation estimates that the refusal by rich countries to train enough doctors has led to a global shortfall of 6.4 million doctors. It is the poorest countries, which can least afford to retain their doctors, that are most harmed. The NHS tends to recruit predominantly from south Asia and Africa. According to the GMC register, the UK is now home to 30,000 doctors from India, 18,000 doctors from Pakistan, 10,000 doctors from Egypt, 4,000 doctors from Sudan and 3,000 doctors from Iraq. Nearly all those doctors were trained in the medical schools of their home country and left to join the NHS.

Many of those countries need their doctors even more than we do. Sudan has a doctor-patient ratio of 0.3 doctors per 1,000 people, a tenth of our doctor-patient ratio. Infant mortality at birth in Sudan is ten times higher than our own. It is ridiculous that our international aid budget is paying for health projects to try to improve health outcomes in those countries, while we strip them of their doctors. If we had supplied 4,000 doctors to Sudan, we would rightly be proud of the help we had given, but instead we recruited 4,000 doctors from Sudan. Countries such as Sudan need our support, rather than our laying out the red carpet for their medical professionals.

The WHO responded to this by setting up a red list of 47 countries that are deemed to have a low doctor-patient ratio, from which other countries should not recruit. That is a step in the right direction. The NHS no longer actively recruits from those countries, but passive recruitment continues apace. The GMC still offers professional and linguistic assessment board tests in countries such as Sudan, Ghana, Pakistan and Bangladesh.

In just the past year, another 500 doctors joined the NHS from Sudan, even though the Government are supposedly not recruiting from there.

The global doctor shortage is likely to get worse, as countries age and economies grow, and demand for healthcare increases. It would be foolish to think that we can always rely on importing doctors whenever we want them. We face increasingly stiff competition from the global market. From a workforce planning perspective, it is significant that the retention of UK-trained medical graduates is higher than those trained elsewhere. Nine in 10 UK graduates who obtained their medical licence in 2015 still had it in 2021, but that was the case for only two thirds of international medical graduates, and less than half of European economic area graduates. We need to minimise leakage from the NHS workforce if we are going to stop the vicious spiral of staff shortages.

The only long-term, sustainable solution, and the purpose of this debate, is to train more medical workers, particularly doctors. This really is a long-term solution, as it takes 10 to 12 years to train a GP and even longer for a specialist, but that is all the more reason to start now. We need to ensure that the supply of doctors is sufficient for our national needs, and that we retain them for the span of their whole career. It is a conclusion that the Government have arrived at before: it was once championed by the current Chancellor when he was the Health Secretary and as Chair of the Health and Social Care Committee. The Government announced an ambitious plan to increase medical training places in 2016, creating 1,500 more places—a 25% increase on the existing number. That was then the largest single uplift in our history, and it was very welcome. It was no mean feat and required the building of five new medical schools across the country, but it is still not enough.

We need to be bolder if we are to aim for self-sufficiency. It is an ambition that has widespread support: the Royal College of Surgeons, the Royal College of Physicians and the Royal College of General Practitioners are all calling for it. The British Medical Association and the Medical Schools Council support it. As I understand we will hear today, it has cross-party support. Last year, just short of 16,000 doctors joined the register. To meet our national needs, we need to double our number of training places by adding at least a further 7,500 to the existing 7,500, making a total of around 15,000 training places.

Anthony Higginbotham (Burnley) (Con): My hon. Friend makes a compelling point. Does he agree that we do not have to do a massive expansion of medical schools to expand the number of medics we are training? In Burnley we have the University of Central Lancashire, which already trains medics, but the number it trains for the UK is relatively small; it does a far bigger international programme. The university is more than willing to switch that over and train far more here for the UK. We do not need a massive number of new facilities, so the capital cost is relatively small. It is just about saying to the medical schools, "You can train more UK students."

Anthony Browne: My hon. Friend makes a really interesting point, which I was going to touch on later. I was going to call on the Government to do a feasibility study of how we get all those extra training places, using the existing resources that we have. I was going to mention one: we now have the first medical school in

the UK that does not train any UK graduates; it only trains international graduates. The facilities are absolutely there, and we need to make the most of those to start with.

I should say that training enough of our own doctors does not mean an end to international movement of doctors, and nor should we aim for that. A steady exchange of internationally trained doctors around the global health system is a force for good. It provides opportunities for doctors to experience best practice in other countries and encourages knowledge sharing, and long may that continue.

Now that the policy has cross-party support and backing from the medical profession, why are we not already training enough doctors for our needs? Well, I am afraid to say the main stumbling block has been the Treasury. The perceived wisdom in the Treasury is that it is cheaper to recruit doctors from overseas than to train them ourselves, which might be true in the short term. Medical school places are highly subsidised. Estimates vary, but it costs around £200,000, if not more, for the Government to send a student through medical school. The additional 7,500 places would equate to an additional £1.2 billion a year.

However, on closer inspection, the financial argument does not really add up, certainly not in the medium or long term. First, a considerable proportion of a trainee's time is spent providing clinical care to patients, so training more doctors will mean that hospitals can spend less money on recruiting locums to provide the care that trainees could provide. Secondly, training more doctors will reduce the £6 billion cost of locums overall. Investing in the training of doctors will save the Treasury money in the medium term as we reduce our dependence on agency staff. Thirdly, the financial argument neglects the income tax receipts earned by the Exchequer over the lifetime of a doctor. An excellent paper just published by the think-tank Policy Exchange calculated that there is a net additional positive lifetime return to the Exchequer of £183,000 for women and £398,000 for men—why is there a difference, one might ask—compared with the most positive plausible alternative degree. In layman's terms, the Government make a greater return if they train someone to be a doctor than if that person pursues a degree in chemistry or pharmacology.

Concerns have also been raised that taxpayers will pay for the training of doctors, who will then simply leave for countries such as Australia and New Zealand in search of better pay, working conditions and, indeed, weather—who can resist the Australian sunshine?—but that is easily sortable. The Army provides medical bursaries worth £75,000 for Army medics, in return for which they must commit to working for the Army for four years. The Government should adopt a similar policy. Trained doctors should have to commit to working for the NHS for a set period, such as four or five years; otherwise, they would have to repay a portion of their training costs.

If, as I hope the Government will do, we decide to train an extra 7,500 doctors a year, how do we make that happen? My hon. Friend the Member for Burnley (Antony Higginbotham) made this point earlier. Implementation of training places is difficult, but it is doable. We have done it before. Training a doctor is complex. There are interdependencies between different bodies that require collaborative thinking and co-ordination.

To achieve 7,500 more places, we will need to not only increase the capacity of the existing medical schools and switch places over from international training, but also build an estimated 15 new medical schools.

Each new school will need access to hospitals with clinical training facilities. There would need to be enough clinical academics to conduct the training. Newly qualified doctors will need access to postgraduate courses, including foundation and specialist training.

Despite those hurdles, we managed to increase places by 25% following the announcement in 2016. We can do that again, on a greater scale. I am looking for a commitment from the Minister that the NHS workforce plan that is due out this year—it may be independent, but I am sure the Government have their view—will not only outline an ambition for the UK to do enough medical training for its own requirements but will also include a realistic plan of how that ambition could be implemented. Will the Government launch a feasibility study into how medical school places can be doubled to 15,000 by 2029?

In the meantime, on the path to that ambition, will the Government commit to reinstating the funding provided for additional medical school places during covid for the next academic year? That is a straightforward way to boost capacity in the short term.

Finally, there is a real problem with the transparency of the workforce in the NHS, because of the lack of data. Will the Government commit to providing third-party access to electronic staff records to encourage greater understanding of medical career lifestyles in the NHS?

There are other benefits that flow from increasing training places for doctors. At present, we have many hard-working, straight-A students who are perfectly capable of being excellent doctors but are denied places at medical school. Last year, the rejection rate at medical schools was a staggering 90%. To cling on to their dream, young people are being forced to turn to foreign medical schools for their studies, in places such as Bulgaria, but most of those who are rejected move into other scientific disciplines and are lost to the medical profession forever. If they have the hunger and the ability, we should be giving these students the opportunity to realise their dream of becoming a doctor.

There are clear economic advantages to training more doctors. Life sciences are set to be a major economic growth area in coming decades. To maintain our world-leading position, we need more medically trained people who can conduct the research and run the clinical trials.

Another benefit of training more doctors is for levelling up. The current distribution of medical schools around the country is poor. London has 22% of student places, but just 13% of doctors. That contributes to the increased difficulties for staffing in rural and coastal areas. We need new medical schools in places that are under-doctored—where the places are matters, as around 25% of students remain within 10 miles of their medical schools after graduating. The 2018 expansion capitalised on that knowledge and the new medical school in Sunderland is a fantastic case study. It recruits people from lower socioeconomic groups who are under-represented in medicine. Its graduates will help reduce the shortage of doctors in the north-east, a place where overseas recruitment has been ineffective, due to poor retention. A bonus is that a medical school contributes an estimated £20 million to the local economy.

[Anthony Browne]

The arguments are clear. We need to ensure that, as a country, the UK trains enough doctors for our own needs. Increasing training places will be good for the NHS and its patients, good for developing countries, good for the economy, good for the taxpayer, at least in the medium and long term, and good for our bright, young people who will be able to fulfil their dreams of a medical career. In short, it is the right thing to do.

We cannot waste any more time prevaricating on this issue. The medical students who started in 2018 will not be fully qualified GPs until 2028. For too long, we have kicked this issue down the road. Short-termism has been winning the day as we blindly increase our reliance on overseas recruitment. Far too often, we take the easy route and do not make the investments we need for the future. The UK must train enough doctors and other medical workers for our national needs. That is the only sustainable, long-term solution for the NHS.

Several hon. Members *rose*—

Sir George Howarth (in the Chair): I remind hon. Members that they should bob if they wish to be called in the debate. I call Jim Shannon.

9.49 am

Jim Shannon (Strangford) (DUP): It is a pleasure, Sir George, to speak in this debate, which I thank the hon. Member for South Cambridgeshire (Anthony Browne) for leading. I am happy to support the thrust of it and am pleased to be the Opposition Member speaking for it—that does not take away from others who probably wished to be here.

There is no doubt that we have faced years of NHS turmoil, and one of the main issues is a lack of sufficient staffing across all aspects of the NHS—nursing and doctors being the most prominent. There are countless reasons why we should train more doctors, but there are domestic issues hindering us from doing so. The hon. Gentleman referred to them, and I will address them from a Northern Ireland perspective. I am my party's health spokesperson, so I am happy to speak on these issues.

I first want to put on the record—others will undoubtedly do the same—my thanks to the doctors of the NHS for all they do for our health in the United Kingdom of Great Britain and Northern Ireland. We are fortunate to have two fabulous universities in Northern Ireland: Queen's University Belfast and Ulster University. I have spoken to many students who say there seem to be some issues with the number of places available for those who want to become doctors. Northern Ireland prides itself on the opportunities we offer to international students. We have an amazing scheme, but Queen's can offer only about 100 places a year for medicine, and there is therefore a shortfall. If that could be increased, it would benefit us in Northern Ireland and people across the United Kingdom. The Minister is always responsive to our requests, so will he outline whether he has had any discussions with the Northern Ireland Assembly and the Department back home?

The hon. Gentleman referred to levelling up, and obviously I want Northern Ireland to be part of the levelling-up process. I welcome that the Government

are committed to that, but sometimes we need to see the small print, so I ask the Minister to share some thoughts on that.

I understand that more than 10% of the 100 medicine placements at Queen's are awarded to international students. I stated earlier that there is still a fantastic opportunity for international students, but once they have completed their degrees, a large proportion do not stay in Northern Ireland and go back home to their own countries. That means there is a gap between the number of students who are trained here, and the number who enter professions and become, for example, junior doctors.

Let me give an example from back home. Two constituents I spoke to excelled in their GCSEs, AS-levels and A-levels—the hon. Gentleman referred to qualifications and the success of education. They were both A* students whose ambition was to stay at home, train and work in Northern Ireland. Unfortunately, they were not successful in obtaining a placement in Northern Ireland, and are now in Edinburgh and Wales, given that they had no other options. Those are not the options they wanted; they wanted to be at home. That is why I asked the Minister about the discussions back home.

Our junior doctors recently voted to strike. More than 173,000 members have agreed to a three-day walk-out due to staff pay, excessive rota hours and a lack of support from superiors. Those issues have to be addressed; they cannot be ignored. I have met some of those junior doctors, nurses and consultants to discuss the issues, and I must say that the excessive hours and shifts they are being asked to work are overwhelming. There is a burden on our junior doctors and those who wish to become junior doctors at a very early stage. Sometimes they work 12-hour shifts for four to five days. Just over the weekend, I heard about the pressures that an accident and emergency unit is under. Our junior doctors are tired and feel underappreciated. Again, the importance of addressing that is clear.

Hiring additional doctors seems like an easy answer to a complex problem. It is never as simple as that, of course. People say, "Well, just hire more. The country is crying out for junior doctors." We know that, but how do we make it happen? Although that is true, the reality is that the NHS and its staff have been underfunded for years. We do not have the money to fund our junior doctor sector and ultimately hire more. The 100 university places at Northern Ireland's largest university are simply not enough to meet the demand. It is therefore really important that we address the issue. We must encourage our students to stay and work here, but why should they do that when they feel defeated because they are not getting placements where they want—in our case, back in Northern Ireland?

The Health and Social Care Committee stated that stakeholders have recommended increasing the number of places by 5,000 a year—the hon. Gentleman referred to that—and others have suggested that the figure should be as high as 15,000 a year. As part of the levelling-up process, we need to see the benefits of levelling up for all the regions of this great nation.

The Royal College of Radiologists has been in touch with me to say that employing additional junior doctors could assist with the oncology backlogs, which we all know is a priority for many. It has stated that there is a shortfall of 17%, or 163 clinical oncology consultants,

which is forecast to increase to 26% or 317 consultants by 2026 without action to tackle the workforce crisis. What we are doing today will avert a crisis down the line, which is what we are trying to achieve. That is just one example of how our lack of junior doctors ultimately has a knock-on impact on our ability to provide priority treatment.

I will conclude, because I am conscious that eight people want to speak and I want to give each and every one of them the same time, but there is much more I could say about this matter. It is important that workers in our healthcare sector know that they are valued and that we very much appreciate their endless efforts, which can go unnoticed by some. This issue arises from an enormous variety of sources, but we have consistently heard comments about how there simply are not enough university places for the students who are willing to help. Everyone in this room knows that underfunding is also a crucial factor, so let us get the job done to make sure our NHS staff have the protections they need, are not under extreme pressures and do not feel undervalued. Today's debate gives us the opportunity to ask for that, and the hon. Member for South Cambridgeshire has done this nation proud in his introduction. I believe the other speakers will support him in his ask of the Minister.

Sir George Howarth (in the Chair): For the information of Members present, I do not intend initially to put a formal limit on speeches, but an advisory recommendation is that if everybody sticks to five minutes, we should be able to call everybody.

9.56 am

Mark Fletcher (Bolsover) (Con): It is a pleasure to serve under your chairmanship, Sir George. I thank my hon. Friend the Member for South Cambridgeshire (Anthony Browne) for putting together an incredibly eloquent argument on an important subject. I also thank the many doctors and nurses who work in our NHS. I declare a small interest in that I worked in healthcare for a little while, in particular around general practice, which is the topic I will focus on.

My hon. Friend touched on some of the workforce and planning pressures we are facing. It is important to reflect on some of the trends he touched on, particularly the geographical disparities—the doctor deserts that he mentioned. It is also worth reflecting on the fact that we have 35% more doctors now than we did in 2010, yet we feel like we need so many more. There are some shifts underlying that, including more part-time working; yes, we are seeing some doctors return, and some doctors leave through work stresses, but working practices are changing. Our ageing society and the demographic challenge in healthcare is another real issue, but it is worth bearing in mind that the rest of the world is evolving. We use technology more and more, and the way in which we interact with each other is changing more and more, but we are not necessarily doing the same when it comes to healthcare. We are incredibly wedded to a bricks and mortar, 1980s-style of healthcare.

I want to touch on the question of what we want the doctors we are training to do. That may seem like a strange question, but doctors—particularly those in general practice—have become almost a catch-all for all the problems we are looking to solve. Without identifying what the different strands of healthcare can do, we are creating a crisis in almost every bit of it. General

practice is not working, and in my opinion is a model that needs reforming almost entirely, but that is creating a huge strain on our hospital system. When it comes to training young people, it is worth bearing in mind that there are three times more applicants to study medicine than there are places available; it is not that people do not want to become doctors. I know my hon. Friend the Member for Wantage (David Johnston) is going to talk about the people who want to become doctors, so I will not steal his thunder, even though he has a really good stat that I like a lot.

We need to look at the doctors we are hiring. I agree with my hon. Friend the Member for South Cambridgeshire that we need a covenant to say that people need to stay working in the NHS, although I do not think five years is anywhere near long enough because it costs £230,000 to train a doctor. If we are going to ask doctors to stay in the public sector, as we absolutely should, we need to square up with them and say, “Actually, we can use technology in a completely different way.” For example, people who are under 50 and have no underlying health conditions should be able to see a doctor in another part of the country using technology. That would help to solve a huge issue. We should train doctors to use technology for communication and for monitoring. We do not do that, despite huge advances on that front.

We also need to square with the public what healthcare is meant to be. I agree with many comments made about other aspects of healthcare, particularly regarding the way community pharmacists and diagnostic centres can take away some responsibilities from doctors. There is no point in hiring another 7,500 doctors every year if we reinforce the problems that are already built into the system.

Given that I have only five minutes to speak, I would like to finish with the thought that if we are going to try to train more doctors, let us use them wisely and think about the role they can fulfil. We are a long way from full utilisation, especially in general practice.

10.1 am

Anne Marie Morris (Newton Abbot) (Con): I entirely agree that we need to train additional doctors; there is no question about that. The point has already been made that we need a diverse workforce and the creation of a number of new careers with shorter training periods. As my hon. Friend the Member for South Cambridgeshire (Anthony Browne) said, developing someone into a fully qualified GP, never mind a hospital consultant, is extremely time consuming. As my hon. Friend the Member for Bolsover (Mark Fletcher) said, we need to look at what we want our medically qualified practitioners to do and at how we can create the right career paths, some of which will be shorter and more specific to meet the needs that have been clearly demonstrated. There is no question but that various factors, including the growing population, covid and the ageing population, mean we face a real challenge.

I declare an interest because I represent a rural constituency in Devon and I have chaired the all-party parliamentary group for rural health and care. A couple of years ago, the APPG produced a report on the issue, looking at what needed to change. There are particular barriers in rural communities, compared to other areas. We have an increasingly ageing population with complex co-morbidities and a problem with attraction because, as has already been said, qualified doctors tend to want

[Anne Marie Morris]

to stay where they were trained and not come to what they may see as a rural backwater. We also have a challenge finding accommodation for them, because our accommodation rates are very high compared to the level of income.

For me, one challenge is recognising the issues and then training and developing accordingly. We need more specifically oriented rural training opportunities and rural medical schools. There are one or two now, with the latest being in Lincoln, but the curriculum does not have adequate rural content or experience in all cases. It is abundantly clear, as demonstrated by the examples given by hon. Members, that that challenge will be met by recruiting people who live in rural areas. That may sound discriminatory but it would fill the national need for individuals to work in rural areas, and it has proved successful elsewhere.

Australia is well ahead of the game in terms of specific training programmes, but closer to home, in Scotland, there is a programme at the universities of Dundee and St Andrews where 50% of the course, in terms of content and practice, is focused on working in the highlands and other rural locations. Scotland and England may appear to be different, but some very rural parts of England face exactly the challenges as those in Scotland, so there is no reason why the same approach should not be applied. Scotland is also looking at conversion courses for nurses and pharmacists to become doctors—a point that was made earlier—but they are still awaiting approval.

The other key point is that many doctors will find themselves disproportionately in general practice and disproportionately dealing with geriatrician-type problems, so we need to ensure that general training goes through many more years of the curriculum because it often drops off once doctors get into F1, F2 and beyond. We also need to ensure that more doctors have a geriatric element in their training courses, rather than just leaving it to the specialisms, because every single doctor, whatever they land up doing, will find themselves dealing with older people with complex comorbidities. There is no question about that at all.

The real challenge is to focus on not just the need for more doctors, but to recognise what those doctors will be asked to do. That will impact not just on how and who we recruit, but on the nature and content of the training courses. It also ought to give us an insight into the big issue of retention, which is one of our biggest challenges. In the south-west, vacancy rates for doctors and nurses in 2018 was 7,743. In 2022, it was 10,755, so those are big issues that need to be addressed. I shall end on that note so that others can continue, hopefully in a similar vein.

10.6 am

Andrew Selous (South West Bedfordshire) (Con): It is upsetting for young British students who have the grades and desperately want to be doctors in a country that desperately needs them to be turned down. I nearly went through that as a parent; I have an interest because my eldest daughter is a junior doctor, and the agonies that she went through, and that we went through as parents, wondering whether she would get the grades and get a place, were awful. Many British families go

through that, and it is simply not right when, as my hon. Friend the Member for South Cambridgeshire (Anthony Browne) has said, we have 30,000 doctors from India and 3,000 from Iraq. We should be able to train more.

I am encouraged that the Chancellor of the Exchequer has at last said that the Government will introduce a plan to ensure that the NHS has the workforce it requires to meet future need. The plan will be for the next five, 10 and 15 years, taking into account improvements in retention. That is absolutely right and, frankly, we should have backed it when he was Chair of the Health and Social Care Committee and made the same point. But better late than never—a sinner who repents and all that.

I want to talk mainly about general practice, but we have to get the training right for our doctors everywhere—in hospitals and in general practice. They work incredibly hard under huge stress. I will be delighted to visit the junior doctors' mess at the Luton and Dunstable Hospital, as I had an invitation recently. I will listen very carefully to what is said there. Today I want to talk about general practice, and in particular about ensuring we have somewhere to train those young GPs as they go through their career. I was very upset to learn last Wednesday that my integrated care board—Bedfordshire, Luton and Milton Keynes—had to turn away eight trainee GPs, because there is nowhere for them to go. That is an appalling situation.

Some 14,000 new homes are being built in my constituency. The NHS uses the measure of 2.4 people per home, which means 33,600 new residents, and we are really struggling to expand general practice. Last Wednesday, my integrated care board scrapped 30 of the 53 proposed expansions in primary care across its area—where we could have trained young GPs—for the lack of £2.95 million out of a £1.7 billion budget.

I think about those eight trainee GPs that Bedfordshire, Luton and Milton Keynes had to turn away. My constituents are particularly angry because to the east of Leighton Buzzard is a big new development called Clipstone Park. I have with me a copy of what Barratt Homes, Taylor Wimpey and David Wilson Homes say in the planning application, which states that the development will see the delivery of a doctor's surgery. No ifs, no buts, no caveats; it will happen. People bought those homes on the basis that there would be a surgery where we could train the young doctors we are talking about. It is not happening, so is it surprising that there is a breakdown in trust among our constituents? It is simply not good enough. Two health hubs that desperately believe in integrated health and care have also not been given the go-ahead. Furthermore, I have discovered that of the £7 billion of section 106 money to fund facilities, including healthcare facilities to train doctors, less than £187 million went into health. That is simply not good enough.

We either take health seriously or we do not. We need to get waiting times down in hospitals. However, we also need to get down the time that many of our constituents spend waiting at 8 o'clock every morning, day after day, trying to see a young doctor, so many more of whom we need to train.

Sir George Howarth (in the Chair): I remind Members that I will be calling speakers from the Front Benches at 10.30 am. To get everybody in, I will now impose a formal four-minute limit on speeches.

10.11 am

David Johnston (Wantage) (Con): It is a pleasure to serve under your chairmanship, Sir George. We all agree that we need more doctors and I think we all welcome what the Government have done to increase the number of places and of medical schools. We had 2,671 trainees start in 2014 and we have had 4,000 start in the most recent year. That is all welcome. We know it takes time and costs money, in the region of £250,000 per person, but it is clear the Government want to get a grip on the problem.

The Government need to do that. I have had a huge population growth in my constituency and have seen a number of GP surgeries close their books. I have seen a surgery in Wallingford close its books, as have all the surgeries in Didcot. In some parts of the constituency we have helped a building expand to ease the problem, but here, without more doctors, it becomes difficult to serve the growing population.

Will the Minister comment on one thing that concerns me about the people we are training? I had an interesting conversation with one of my GP practices just a few weeks ago and I was told that a lot of the trainees now want a portfolio career. Of the cohort from which they have a trainee at the moment, only one intends to be a salaried GP. No one wants to be a partner; it is seen as the drudgery or boring part of the profession. People want to do some days as a locum in urgent care, specialist clinics and so on. I do not know the extent to which Government are looking at that and at how the profession is marketed. It seems to me that a salaried GP is a key pillar of the community, but, much like other people of their age, trainees are looking to do a range of different things, rather than the thing I believe we most need them to do at the moment.

My hon. Friend the Member for South Cambridgeshire (Anthony Browne) set out the challenges of training in superb detail and I am grateful to him for securing the debate. As my hon. Friend the Member for Bolsover (Mark Fletcher) commented, one key issue for me is about the make-up of the profession. Medicine is the most socially exclusive profession in the country. Only 6% of doctors come from a working-class background and someone is 24 times more likely to become a doctor if their parent is a doctor. If anyone wants to intervene and say that that reflects the country's talent, they are welcome, but I simply do not believe it.

Medicine outstrips every other profession that we think has a problem, such as politics, journalism and law. In all the work I did on social mobility with young people on free school meals, a high proportion of whom are from ethnic minorities, inner-city areas, coastal towns and so on, it was the most popular profession. As others have said, this is not an issue of medicine not being popular or people not applying or not meeting the grades, as the grades have to be met to be able to apply. Applying is a complex process that involves all sorts of things, from personal statements to interviews and work experience. People get work experience very easily if they are related to a consultant but they do not get it without those connections, yet it is essential to getting into the profession. To make the most of the country's talent, the profession needs to look at that very closely.

10.15 am

Kevin Foster (Torbay) (Con): It is a pleasure to serve under your chairmanship, Sir George. I congratulate my hon. Friend the Member for South Cambridgeshire (Anthony Browne) on securing the debate.

At the core of the debate lies the increasing demand for healthcare and how we meet it. As our population ages and new treatments emerge, the demand for doctors will grow, not just in the UK but overseas. I note that in 2018 the Government increased the number of medical school places in England from 6,000 to 7,500 a year and opened five new medical schools. Yet is that cap the right one for the future? Does it reflect the demand-based decision making that we should have, or does it reflect funding-based or supply-side decision making, particularly from the Treasury? As has been mentioned, the cap is not down to a lack of demand among domestic students to be a doctor. In 2022, the Health and Social Care Committee found that record numbers of students are applying to medical school, but around three times more people are applying than there are spaces available. There are vacancies, but there is still strong demand to be given the chance to train for a career as a doctor.

Before I briefly turn to how domestic training levels should change, I must turn to what has inherently been the fall-back option when the domestic supply of doctors has not met domestic demand: recruiting abroad. I helped to create the health and care visa and supported the setting up of the Talent Beyond Boundaries pilot scheme, which assists refugee doctors in taking up jobs in our NHS, so I am delighted to see the many amazing medics who make the UK their home. They are the backbone of many local NHS and social care services and they help to sustain and improve them. I therefore thank them, particularly those who work in Torbay's NHS, who literally make our bay better.

We must not assume, however, that international recruitment is always guaranteed. During my time as Immigration Minister, I often found that for some employers it became an article of faith that immigration would always provide access to an unlimited pool of skilled labour, and that therefore any vacancies must be solely down to there not being a good enough visa for the role—rather than to a lack of training or planning for the future needs of the industry concerned. With doctors, as in many other cases, there is a shortage of that skill across the whole world, which means that access to global labour markets via visa policy can make only a contribution: it is not a guaranteed long-term solution.

We need therefore to fix and ensure a sustainable supply of doctors to meet future demand here in the UK. Last year, the Health and Social Care Committee concluded that,

“the number of medical school places in the UK should be increased by 5,000 from around 9,500 per year to 14,500”,

and that

“the cap on the number of medical school places offered to international students should be lifted”.

The then Chair of the Committee is now the Chancellor of the Exchequer, which makes this an opportune moment to raise the issue.

I am conscious that the Minister with us today would not want to pre-empt the publication of the longer-term strategy that is now due, but it would be interesting to

[Kevin Foster]

hear his thoughts on, for example, how the Government will seek to future-proof such a plan given the advance of new technology in creating new treatments. How will the decision making on future training places be determined? Will it be demand-led, or will it be funding-led? It has often been funding-led: we argue about what we should spend on medical training, and then a few weeks later have a meeting to talk about what future demand will be. In particular, how will the Government work to expand geographical locations for training? There are some exciting projects, such as the building a brighter future project at Torbay Hospital, which will expand regional health services. Is there an opportunity to expand training as well?

The debate is not just about the future of our NHS services. As has been so well argued, it is about ensuring that youngsters have the chance to follow their ambition to join those they feel inspired by: the people they see working across the community to save lives and provide care.

10.19 am

Rachel Maclean (Redditch) (Con): I strongly congratulate my hon. Friend the Member for South Cambridgeshire (Anthony Browne) on laying out the arguments and highlighting the need for more training places for doctors to level up our great country. More training places would be an engine for social mobility, as my hon. Friend the Member for Wantage (David Johnston) pointed out, and level up our rural counties, as my hon. Friend the Member for Newton Abbot (Anne Marie Morris) pointed out so well.

I declare an interest in the Alexandra Hospital in Redditch. I have never stopped campaigning on it, and I have been re-elected twice to continue campaigning for the hospital and the healthcare that my constituents deserve. Key to that is training more doctors locally in our wonderful new Three Counties Medical School, which was opened and supported by the Government. That is the obvious route, and I very much welcome the Government funding that has enabled the medical school to open in order to train more doctors locally.

When doctors are trained locally, they want to stay and work locally. In Worcestershire, over the years we have seen a problem where local young people who are training to be doctors do not stay in the county because they have opportunities to work in Birmingham and in larger centres elsewhere. That is great for Birmingham, but not so great for Redditch. Better services for my constituents in Redditch is absolutely what I want—and what they deserve, more to the point—but we need more people to deliver them. We always come back to services being constrained because we lack the workforce to deliver them.

Richard Graham (Gloucester) (Con): I am grateful for the chance to support what my hon. Friend is saying about the Three Counties Medical School. It serves the three counties of Worcestershire, Herefordshire and Gloucestershire, building on the partnerships established through the Royal Three Counties Show and the Three Choirs Festival—the country's oldest festival. Does she agree that it would be great if the Minister could say whether the Government will support the Three Counties Medical School? In the absence of that, does she agree

that all 14 Members of Parliament for the three counties should get together with the Minister to pursue that case?

Rachel Maclean: My hon. Friend makes an excellent point. I strongly agree with him and I hope the Minister will respond. While I am speaking about our three counties, I thank my hon. Friend the Member for Worcester (Mr Walker) who has led the discussions with the health and care trust and other health and care authorities—including Health Education England—to continue to press the case.

The University of Worcester has funded 20 places at the Three Counties Medical School. Unfortunately, we have not been successful in attracting any Government funding from the Minister's Department. It seems like a missed opportunity. Will the Minister speak to his colleagues in the Department and at NHS England to see what he can do to get the medical school fully funded? I want to give young people in Redditch and Worcestershire opportunities to follow their dreams to practise locally, for the benefit of my constituents.

I thank everybody in Redditch who works for the NHS, across the whole healthcare system. GPs, doctors in different services, mental health providers and nurses are all part of the effort. Social care is also a vital ingredient. We have a great story to tell in Redditch. The Alexandra is a fantastic hospital. It is receiving record levels of Government investment thanks to this Government and previous ones, and the efforts of current and previous Health Secretaries. That investment will see expansion into innovative services and lifesaving treatments, such as robotic surgery for people with prostate conditions, as well as diagnostics and other innovations. The hospital has a bright future ahead of it.

I want to continue campaigning to enable the hospital to deliver services for everybody who lives in Redditch, which is a growing town. My hon. Friend the Member for South West Bedfordshire (Andrew Selous) also made that point. When new residents come in, they expect local healthcare to be there. I am looking forward to the Minister's update on the NHS workforce plan, which I am sure is the route to solving this conundrum.

10.24 am

Cherilyn Mackrory (Truro and Falmouth) (Con): I thank my hon. Friend the Member for South Cambridgeshire (Anthony Browne) for bringing forward this important and timely debate. Health services in Cornwall are under strain, as they are in other places. I put on record my thanks to all the doctors and health and social care practitioners in Cornwall for their outstanding work, not only throughout the pandemic but throughout what is proving to be a difficult winter following a difficult summer. I will touch on that later.

In Cornwall, we actually have a slighter greater number of GPs than we had in 2018, but more are choosing to work part time, owing to the intensity of the workload. Our register of GP trainees has also slightly increased in head count since 2018, but the whole-time equivalent has slightly decreased over the last four years despite the head count going up.

Further good news is that the Cornwall training hub has had success in attracting GPs into Cornwall through the introduction to Cornwall scheme and flexible working

international GP initiatives, which is encouraging those who train here to remain in Cornwall. However, our geography means we cannot share staff with other areas or trusts, so such schemes are vital to our staffing levels.

The University of Exeter's Medical School Truro campus is a centre of excellence for the delivery of medical education and training at the Royal Cornwall Hospital. The centre does an excellent job of training up the next generation of doctors; I would like to see more junior doctors training at the university considering a move to Cornwall to start their careers. Who would not want to move to Cornwall? Those who do will find themselves surrounded by a community of extremely welcoming and friendly people, both students and staff, as well as the beautiful outdoors, with the ocean on their doorstep. Who would not want that?

As chair of the APPGs on baby loss and on women's health, I am grateful to the Government for commissioning NHS England's long-term workforce plan. My co-chair of the baby loss APPG is now the Chancellor; this is an issue that he has campaigned on for a really long time, so I am encouraged that we will get somewhere now. The Government are growing the health and social care workforce, with more than 4,000 more doctors compared with last year, and it is so important to Cornwall that those doctors are spread throughout the country.

I go back to my point about the hard summer. Because Cornwall is so beautiful, we get 2 million visitors a year. Unlike in other parts of the country, our health service gets no respite in the summer before a difficult winter. Staff have been working at top speed since the beginning of the pandemic without any respite. We need to talk to the Government about fairer funding to try to mitigate some of the effects so that staff can take holidays and have some respite, so that there are enough staff to pick up the slack, and so that our health service can move forward in caring for our ageing population. As I already mentioned, our geography means that we cannot share staff.

The Government must do all it can to tackle Cornwall's housing crisis. GP surgeries and other employers across the entire health service in Cornwall often say that they offer jobs but that people cannot take the work because they cannot find housing. That applies for every kind of healthcare worker, from healthcare assistants to consultants; it certainly applies to our GPs and hospital doctors. As I have called for in Parliament before, we must ensure that key workers in both the public and private sectors can afford to buy and rent affordably in the area. I am pleased to say that that will be a priority for developments in Langarth and in Pydar Street in Truro.

I join my colleagues in calling for additional training places for doctors. I hope that the Government recognise that those wishing to train in Cornwall are a key part of the solution. I look forward to continuing to work with the Government on all aspects of improving the health service, with a particular tilt towards rural and coastal areas and, of course, I invite the Minister to Cornwall to talk to our healthcare providers to see their particular challenges.

10.28 am

Martyn Day (Linlithgow and East Falkirk) (SNP): I am grateful to the hon. Member for South Cambridgeshire (Anthony Browne) for securing this debate, which provides me with the opportunity to make a number of political

points, but, with your indulgence, Sir George, I will start with a personal one. I put on the record my gratitude and thanks to all the staff of the Scottish NHS. This happens to be my first debate back since being taken ill at the end of last year and undergoing emergency surgery. I am pleased to say that, from every angle—from the local GP right through to the Royal Infirmary in Edinburgh—I was treated fantastically, despite which I hope that I do not have to avail myself of those services again any time soon.

In opening the debate, the hon. Member for South Cambridgeshire said much with which I agree. In fact, we have heard much on which there is probably a great degree of consensus. For years now, across the UK, there have been various issues with finding qualified staff to fill vacancies in our NHS, especially in a number of specialities. When combined with the aftermath of covid, that has resulted in a backlog that is putting immense pressure on frontline services and those who bravely staff the wards.

Staff shortages lead to delays in the whole system, which can mean longer waits for appointments, operations and getting home from hospital. It is vital that each of our nations is fully able to further recruit both domestic and international professionals. We should not ignore the fact that Brexit is exacerbating difficulties in recruitment. In addition, we have the related issue of staff retention.

As Members will know, health is a devolved area, but many of the levers affecting staffing levels, such as pensions and immigration, remain reserved to Westminster. Along with many others, the Scottish Government warned the UK Government of Brexit's effect on the health and social care workforce, the supply of medicines and medical devices, and the economic impacts that would inevitably harm health outcomes.

Research by the Nuffield Trust in June, based on data relating to May 2021, suggests that NHS England could be short of 12,000 permanent hospital doctors and over 50,000 permanent nurses and midwives. The Nuffield Trust also recently produced research marking six years since Brexit, which demonstrated that

"Across medicine, nursing and social care, there has been a decline in EU recruitment and registration since the EU referendum in 2016."

The Nuffield Trust also found:

"There is clear evidence that Brexit is likely to be reducing the incomes of people in the UK relative to a counterfactual of continued membership, through its impact on GDP, investment, and trade. The current economic situation means that this is likely to be an additional reduction on already falling real incomes, rather than slower growth. The link between health and income is well documented, and this is likely to lead to worse health outcomes and higher demands of the NHS."

I share those concerns, and anti-immigration rhetoric around Brexit should have no place in our NHS or anywhere else in our society. Scotland needs people. Perhaps the Minister can tell us whether his Government will devolve control of immigration powers, so that Scotland can get labour force that it wants and needs—or is that a level that we will only benefit from with independence? Where Scotland does currently have powers, it has seen the number of doctors in training rise by 24.3% under the SNP. Scotland already trains more doctors per head than elsewhere in the UK. Scotland's share of the UK intake in undergraduate medicine has grown to 13%.

[Martyn Day]

While it is right that we discuss recruitment, we must also consider staff retention. That is why pay and terms and conditions are so important. I implore the UK Government to get around the negotiating table with health unions, just as the Scottish Government are doing, to mitigate the risk of strikes.

The number of staff leaving the profession is also of concern. NHS figures show that in the last year there has been the highest turnover rate in a decade. Between March 2021 and March 2022, although 19,309 staff joined the NHS, 15,389 left. The Scottish Government published their workforce strategy for health and social care in March. The target is to grow the NHS workforce by 1% over the next five years. It is no surprise that winter plans also include aims to recruit additional staff, including some from overseas. As part of Scotland's recovery plan, the Scottish Government launched a new national recruitment campaign and established a national centre for workforce supply.

The Scottish Government have sought to retain junior doctors by preventing them from working seven full night shifts in a row and more than seven days or shifts in a row, as well as implementing a rest period of 46 hours off following a run of full shift nights. The Scottish Government agreed with the British Medical Association last year that by February this year, no junior doctor rota will contain more than four long shifts in a row, and we are already 99% compliant with that target. However, internationally and within the UK, there is competition to recruit staff. With record high vacancies, it will take a major drive to plug the workforce gap.

The Scottish Government have introduced new national guidelines, making it easier for retiring NHS staff to return to the NHS to support it as it continues to recover from the pandemic while also drawing their pension. However, there is a substantive issue of pension tax rules encouraging senior clinicians to reduce their commitments or retire early, and pension taxation is a wholly reserved matter. The UK Government need to provide a permanent solution that will help efforts to retain senior NHS staff.

There is little doubt that training of more doctors is required to attain the adequate levels of staffing that we all need, but people should be under no illusion that with fiscal and immigration powers reserved to this place, Scotland has to achieve that with one hand tied behind its back. Given yesterday's unprecedented use of a section 35 order to strike down devolved legislation, even devolved powers may now be under attack, such that the days of devolution are numbered. All of this demonstrates the need for Scottish independence.

10.34 am

Feryal Clark (Enfield North) (Lab): It is a pleasure to serve under your chairmanship this morning, Sir George. I thank the hon. Member for South Cambridgeshire (Anthony Browne) for bringing this important debate to Westminster Hall, and I praise the contributions of all Members, which covered the whole host of issues affecting the NHS workforce.

We have heard throughout the debate that we must train more doctors, yet this summer the Government cut medical school places by 30%, turning away thousands

more straight-A students from training to become doctors when we need them more than ever, with the NHS in the midst of a chronic workforce crisis and people finding it impossible to get a GP appointment or an operation when they need one. We have 7.2 million people waiting to start planned NHS treatment; the Minister will want to know that that is nearly triple the number in 2010, when Labour left power.

As we have heard, there are over 133,000 NHS vacancies, 10,000 of which are for doctors. There are simply too few doctors to meet demand. The latest Royal College of Physicians census found that 52% of advertised consultant physician posts went unfilled in 2021, the highest rate since records began. I am therefore really pleased that we are discussing this issue today.

We cannot build a healthy economy without a healthy society, and we cannot have a healthy society without training more doctors. The chief executive of the NHS, Amanda Pritchard, said recently that more medical school places are needed. However, I worry that the Government are being short-sighted and are unwilling to provide those places. It was only recently that they finally heeded their own Chancellor's calls to assess workforce needs.

The Government are missing open goals. This weekend, we heard that the Three Counties Medical School at the University of Worcester, a new school set up to boost the number of doctors in England, has been told that it will not receive funding for domestic students. This sounds mad but, during a massive crisis in the number of doctors, the Department of Health and Social Care is maintaining its cap on the number of university medical school places that it funds.

The University of Worcester says that, next year, it will have to recruit only international students, who are less likely to stay and work locally. That is despite the NHS Herefordshire and Worcestershire integrated care board spending over £70 million a year on locum and agency staff because it does not have enough doctors. Thousands of straight-A students are being turned away from studying medicine and the Government have no long-term answer or solution.

Members will not be surprised to hear that Labour does have a plan for the NHS—the hon. Member for South Cambridgeshire referred to it. Labour will double the number of medical school places from 7,500 to 15,000, train 10,000 extra nurses and midwives every year, double the number of district nurses qualifying each year and create 5,000 more health visitors. That will be paid for by abolishing non-dom tax status, because patients need treatment more than the wealthiest need the tax break.

Mark Fletcher: Will the hon. Lady give way?

Feryal Clark: I do not have much time, so I am going to continue.

The Government could have adopted Labour's policy, which the Chancellor himself said that he agrees with. In an email to supporters of the patient safety charity that he founded, he wrote:

"The medical school place increase is something I very much hope the government adopts on the basis that smart governments always nick the best ideas of their opponents."

I would be grateful if the Minister set out why his party has decided not to listen to its own Chancellor.

Let me turn to retention. We need to train additional doctors—we have heard no opposition to that in today's debate—but we must also focus on keeping the doctors that we already have. More than three quarters of respondents to a December 2022 survey of Royal College of Physicians members said that they were very or somewhat stressed at work, with clinical workload and staff vacancies in teams being the leading factors. The 2021 NHS staff survey found that 31% said they often thought about leaving. The Royal College of General Practitioners 2022 GP survey found that 42% of GPs say that they are planning to quit the profession in the next five years. I would be grateful if the Minister considered job satisfaction, and therefore retention of current staff, and set out what the Government are doing about that.

Existing doctors need support and additional training so as not to get burned out and to stay in the role, and training of new and current staff cannot come soon enough. Patients and NHS staff cannot afford to wait. I look forward to the Minister's response.

10.40 am

The Minister of State, Department of Health and Social Care (Will Quince): It is a pleasure to serve under your chairmanship, Sir George, and I am hugely grateful to my hon. Friend the Member for South Cambridgeshire (Anthony Browne) for raising this important issue and for his hugely constructive proposals and suggestions.

The workforce are the beating heart of everything our NHS does and stands for, and doctors make up an important part of the workforce and are invaluable to our NHS. I am hugely grateful for the incredible work they do day in, day out. I also thank all those who have contributed to the debate. I will try my best to respond to as many of the themes raised as possible in the time available to me.

Let me turn first to workforce pressures, which were raised by a number of hon. Members. We know, and I certainly recognise, that the workforce remain under sustained pressure having worked tirelessly through the covid pandemic to provide high-quality care to those who need it. I recognise, too, the huge and important role that doctors play in supporting our NHS. That role is as important as it ever was, which is why I am passionate about supporting our doctors, particularly in challenging times.

As the Member for Strangford (Jim Shannon) rightly said, it is vital that we support the workforce not just now, but in the future. I recently met with the British Medical Association, the Hospital Consultants and Specialists Association and other unions to discuss, among other things, what we can do to ensure that NHS staff continue to feel valued in their work, but also how we can improve such things as their working environment and working conditions, which are really important. I look forward to continuing those discussions.

The crux of the debate is growing the workforce. What have we seen in the past year? We have seen record numbers of staff, including record numbers of doctors working in our NHS—since October 2021, 4,700 more doctors, representing a 3.7% increase—but I recognise that demand for NHS services continues to grow, which is why we have done a significant amount already to invest in training additional doctors and our future workforce.

As my hon. Friend the Member for South Cambridgeshire said, the Government have created and funded 1,500 more medical school places each year for domestic students in England. That is a 25% increase over three years, and the expansion was completed in September 2020. It has delivered five new medical schools for England. My hon. Friend mentioned levelling up, which of course was part of the motivation behind that expansion, hence the new medical schools in Tyne and Wear, west Lancashire, mid-Essex, Lincolnshire and Kent.

My hon. Friends the Members for Gloucester (Richard Graham) and for Redditch (Rachel Maclean) mentioned the Three Counties Medical School. I know some of the issues around that, some of which I think are specific. I would be happy to meet my hon. Friends, and my hon. Friend the Member for Worcester (Mr Walker), who has also raised the matter with me, to discuss this further.

In addition—I am conscious of the fact that we are talking about medical places—we temporarily lifted the cap on medical places for students completing A-levels during the pandemic, in 2020 and 2021. That resulted in an intake of nearly 8,500 in each year, which was significantly above the planned figure of 7,500.

My hon. Friend the Member for Newton Abbot (Anne Marie Morris) asked what we are doing to look at new routes into medicine. That is an important point: yes, we have the traditional routes, but what are we doing to consider other ways in? I am delighted that, only last week, Health Education England announced funding for the first 200 apprentices to begin training as doctors over the next two years. That marks an important step in making a career in medicine more accessible. My hon. Friend the Member for Wantage (David Johnston) made a similar point: we have to make medicine more accessible. I am really excited about those apprenticeships and what can be done in that space.

Turning to the long-term workforce plan, I heard what my hon. Friend the Member for South Cambridgeshire and others said in calling for us to be bolder and more ambitious, and I know that we need to do more to ensure that the NHS has the workforce that it needs for the future. I heard my hon. Friend's call for a feasibility study on doubling the number of places, and I will take that away and look at it. I also heard his call for an increase of circa 1,000 places next year. That would have a significant financial implication, which would not sit within our spending review allocation. Again, I will have to take that away and look at it, and have those conversations with the Chancellor.

We have commissioned NHS England to develop a long-term plan for the NHS workforce for the next 15 years. That high-level, long-term NHS workforce plan will look at the mix and number of staff required across all parts of our country, and it will set out the actions and reforms needed to reduce supply gaps and improve retention. My hon. Friends the Members for Bolsover (Mark Fletcher) and for Torbay (Kevin Foster) eloquently set out why we need a workforce that will reflect the changing nature of medicine and technology, and demographic changes. That is vital, and those will be key parts of the NHS long-term plan.

My hon. Friend the Member for Wantage rightly said that those going into medicine understandably want a portfolio career. General practice is still an attractive

[Will Quince]

option and we have more people wanting to be GPs, which is a great thing, but I wonder how many people would want to be Members of Parliament if they were just doing surgeries, which is part of the role, all day every day. In medicine, a portfolio mix involves some time in the hospital and some time in general practice. It is really important that people have the ability to develop their skills and have a specialism, but they should not lose their generalist skills. I think we will see more people wanting to be GPs but also to spend time in hospitals and other settings, and our NHS long-term plan must reflect that.

We have committed to publishing the plan this year. As the Chancellor set out in the autumn statement, it will include independently verified forecasts for the number of doctors, nurses and other professionals needed in five, 10 and 15 years' time, taking full account of the improvements that we need in retention and productivity. The plan will ensure that we have the right people with the right skills to transform and deliver high-quality services fit for the future.

The hon. Member for Strangford asked about Northern Ireland. He is absolutely right to do so, because a plan cannot work in isolation. NHS England is looking at the NHS long-term plan, but it could not do so without having those all-important discussions with the devolved Administrations around our United Kingdom. There are a number of plans, but there is commonality of interest because of the nature of our United Kingdom, and inevitable join-up. I know that NHS England is having those conversations, and I will ensure that we have them at ministerial level too.

We have touched on international recruitment. As we grow the domestic workforce, ethical international recruitment remains a key element of achieving our workforce commitments, and we are ramping up efforts through targeted support for NHS trusts with recruiting from overseas. My hon. Friend the Member for South Cambridgeshire mentioned our code of practice for international recruitment, which aligns with the latest advice from the World Health Organisation. It guarantees stringent ethical standards when recruiting health and social care staff from overseas, and ensures that we can work collaboratively with other Governments around the world. Although it restricts active recruitment from particular countries, which my hon. Friend correctly referred to as the red list, he rightly pointed out that an individual still has the right to migrate. Therefore, we will still see individuals applying independently for vacancies in our NHS in the UK, which is known as direct recruitment. We are not actively recruiting, but people can nevertheless apply.

Our long-term NHS workforce plan is about ensuring that we get the balance right between international recruitment and domestic training places. As health systems develop around the world, we have to build our domestic resilience to ensure that we are training enough doctors here in the UK. Having said that, internationally trained staff have been a key part of our NHS since its inception in 1948, and they continue to play a vital role. Let me put on the record that we value hugely their contribution to providing excellent care.

Retention was another issue raised. I do not underestimate the importance of staff retention, which is as important as recruitment. As well as training more

staff, which is vital, we have to ensure that we keep those highly qualified, experienced clinicians. We have to ensure that they feel supported and valued within in our NHS, not just at a national level, but at a local, individual trust level. We have the actions set out in the 2020 NHS people plan, which are helping us to build that culture and will help support us to ensure we get it right. They include a much greater focus on health and wellbeing, strengthening leadership and increasing opportunities for flexible working, which I know is important in a modern workforce.

A number of hon. Members mentioned pensions, and I understand that challenge. I meet the senior clinicians we need to retain in our NHS. We announced a package as part of our plan for patients in the summer, continuing the temporary retirement-return easements. We also announced the intention to introduce a number of permanent retirement flexibilities from 1 April this year. I know the Chancellor and the Secretary of State for Health and Social Care are acutely aware of the issue and are exploring what more can be done.

In the short time I have, I will cover specialty training. My hon. Friend the Member for South West Bedfordshire (Andrew Selous) rightly raised the important issue of GP training places. One challenge with more funding for medical schools is to ensure that there are specialty places for people to go into. It pains me when I hear that people want to train as GPs but there is not the space in GP practices for those specialty places. I know my hon. Friend has met my fellow Minister, my hon. Friend the Member for Harborough (Neil O'Brien). I am also happy to meet him to discuss this issue from a workforce perspective.

I was pleased when, only last week, Health Education England announced the creation of nearly 900 more specialty placements. That is hugely important, especially because there is a focus on areas such as mental health and cancer, where we know we have shortages. It pains me to hear of anyone wanting to be a GP but not having access to specialty training, because I know we need more of them.

Conscious of the fact that I intend to leave a little time for my hon. Friend the Member for South Cambridgeshire to respond, I thank all hon. Members for their constructive contributions to this morning's debate. It has given me, the Department and, dare I say it, the Treasury some food for thought about the long-term future of medical training places.

Through the programme of work that I outlined and the long-term planning that NHS England has under way, which will be published this year, we are ensuring that the NHS has the robust and resilient workforce that we know it needs for the future. Doctors are, of course, an integral part of that. We are working to ensure that we have the right people with the right skills in the right places. We are working to ensure that they are well supported and looked after so that they, in turn, can look after those who need our great NHS services, and so that they can keep delivering that great standard of care that people need now and in the future.

10.53 am

Anthony Browne: It has been a pleasure to take part in this debate under your chairmanship, Sir George. I thank my hon. Friends the Members for Truro and Falmouth (Cherilyn Mackrory), for Newton Abbot (Anne

Marie Morris), for Redditch (Rachel Maclean), for Torbay (Kevin Foster), for Bracknell (James Sunderland), for Burnley (Antony Higginbotham), for Wantage (David Johnston), for South West Bedfordshire (Andrew Selous) and for Bolsover (Mark Fletcher), and the hon. Member for Strangford (Jim Shannon)—it is not a debate if he is not here—for their very constructive contributions.

There has been huge support from Members from across the House, including from Labour and the DUP, for increasing the number of training places for doctors, for all the reasons that I laid out and other Members raised in their contributions. I thought the social mobility point was incredibly well made. I am also delighted that so many people invited doctors to go and train in their constituencies, including down in Cornwall. I will pass that on to some of my trainee doctors.

I particularly welcome the Minister's very constructive support. The Government are aware of this issue and want to do the right thing. The message I want to send the Government—the Department of Health and Social Care and the Treasury—is that there is huge political appetite and cross-party support for increasing the number of training places. We really need to do that for the sake of the NHS and the country. I am sure we will all be watching the developments over the coming months as the NHS develops its workforce plan. We fully support the Government's aim to be as ambitious as possible.

Question put and agreed to.

Resolved,

That this House has considered the potential merits of training additional doctors.

South East Water

10.58 am

Sir George Howarth (in the Chair): Order. I will shortly call Greg Clark to move the motion, and then if there are no other speakers I will call the Minister to respond. If there is another speaker, they will be taken next. I remind Members that there will not be an opportunity for the Member in charge to wind up, as is the convention in 30-minute debates.

Greg Clark (Tunbridge Wells) (Con): I beg to move,

That this House has considered the performance of South East Water.

I am very grateful to have secured this debate, and I convey my thanks to Mr Speaker for allowing it. It is a pleasure to serve under your chairmanship, Sir George.

The purpose of a water supply company is simply to supply running water to its customers—water to drink, water to cook with, water to wash and bathe in, water to clean clothes and dishes, water to operate central heating boilers and water to flush the toilet. It is the most basic, essential service in Britain in the 21st century, and we rightly take it for granted, and yet for eight days, including the week before Christmas, many thousands of people in my constituency, in Tunbridge Wells and the surrounding villages, had no water. That followed an earlier period in November in which other parts of my constituency were cut off from running water.

South East Water, the company granted the privilege of operating a local monopoly, failed in its only purpose. By South East Water's own admission, on 19 December, to take one particular day, 3,500 households—about 10,000 people—were without water. As the days went on, many people endured conditions of stress and, frankly, squalor. I will share with the Chamber some examples from the deluge of emails I received from desperate constituents in what became the nightmare before Christmas.

One constituent emailed me to say,

“Our home, in which four adults live, has absolutely no water whatsoever. We have no water to wash ourselves, wash our dishes, wash our clothes, flush the toilet—nothing. It feels as though we are living in the past and have gone backwards in time.”

Another constituent wrote to say,

“I'm at my wits end and this has been the worst week. We have lost water every day for the last 5 days and been forced to buy water. We been told we can collect water from Tesco but if you don't drive it's a 45 min walk in the ice! And it's just tiny bottles as my neighbours have driven to get.”

Another constituent emailed me and said,

“My son was diagnosed with Type 1 diabetes a month ago and is having to come to terms with his new way of life which now includes four insulin injections a day and multiple blood prick tests throughout the day. The lack of water to keep everything clean for him is really affecting every part of our day now. We are having to travel to family members for even the most basic of tasks including showers, washing clothes, washing plates never mind the necessity for my son to take his insulin with clean hands and a clean environment.”

Yet another constituent said,

“It is becoming unbearable. I cannot understand how not having water is a recurring issue we face in 2022. I have a new born baby and am finding it harder and harder each day due to the lack of running water. As your probably aware babies are

[Greg Clark]

unable to drink bottled water so I am having to drive to friends' houses to fill up with tap or buy expensive pre made formula for him to drink."

Another constituent wrote and said,

"I left for work on Friday morning and got home half an hour ago. I've worked all weekend covering various clinical hospice duties when really I should be up in my bed with hot lemon and paracetamol. I chose to prioritise caring for my end of life patients over my own health needs. So getting home tonight to no water yet AGAIN has left me speechless and super upset. I am physically and emotionally broken. The one thing I wanted to do tonight before crawling into my sick bed was to have a hot bath but it wasn't possible."

Another constituent said,

"Thank you for bringing up the water supply issue on the news last Friday. I really thought it would have been fixed by now, but we still have no water! We are struggling to cope. We have two young children. All our toilets are now blocked. I've just had to remove all the excess excrement and dispose of in the garden! The water shortage has been going on for weeks. Way before the cold spell. What is going on with South East water!"

Finally, in terms of this debate—but by no means finally in terms of the communications I had from constituents—one person wrote to say,

"the dialysis unit in Tunbridge Wells was forced to close until Boxing Day as they were unable to guarantee full dialysis for their patients—more than 80. I spoke to an engineer who waited all day at the unit for a tanker that did not arrive. The nurses worked until 1 am on the day they had water to dialyse as many people as possible. An extraordinary situation that put incredible pressure on staff and huge stress on patients."

What on earth could be the reason for such a catastrophic set of events, resulting in those cuts to our water supply? The answer is a catalogue of failures over the preceding weeks that exposed a network lacking in the resilience needed to do the job of supplying water reliably to our residents.

Floods in November had put out of action water treatment works at Groombridge and Tonbridge, and a power cut at around the same time had hit suppliers from Bewl Water. Those incidents caused quite significant loss of water for many households throughout my constituency, but they also had a knock-on effect. Those failures meant that one of the main holding reservoirs that supplies the town of Tunbridge Wells, an underground facility on the Pembury road, fell to less than 20% of its normal capacity. When the cold snap hit in December, with the water leaks from burst pipes that that entailed, the reservoir was too low to supply the population that relied on it. It could not refill, because as much water was being taken out through burst pipes as was being put in.

That may be an explanation, but it is in no way an acceptable excuse. If heavy rain followed by snow and ice—pretty normal winter weather—can knock out water supplies, the network is not resilient enough. During that time, the company's response was not nearly good enough, either. I attach no blame to the South East Water maintenance engineers who worked day and night to find and repair burst pipes during that period, but communication with customers was totally inadequate. During my daily conversations with the chief executive, I was able to glean an understanding of the engineering problems that I have just described and report it to constituents, but that should have come from the company from the outset.

Without running water available, it was essential that bottled water should reach people who were desperate for supplies. Yet for many days, the only distribution point for bottled water was in the car park of Tesco at Pembury. At times, it became totally overwhelmed, causing gridlock on the surrounding roads. South East Water and my constituents have reason to be grateful to Tesco and, in particular, its managers Jon Briley and Justin Alexander for allowing the car park to be used, despite the fact that this happened the week before Christmas—their busiest trading time of the year—and caused huge disruption to the store's operation.

As anyone with knowledge of Tunbridge Wells knows, Tesco at Pembury is a long way from many of the properties affected in the town and to the south and west, in places such as Hawkenbury and Langton Green. Even at the best of times, the Pembury Road that leads to the store is probably the most notorious in Tunbridge Wells for congestion. Yet it took several days of pressure from me and the chief executive of the local borough council before another, more central site was opened at the Salvation Army headquarters, by kind permission of Captains Graeme and Zoe Smith.

To my immense relief and that of my constituents, supplies finally resumed on 23 December, though many properties suffered a loss of water from airlocks and local burst pipes even after that point. It was too late to save Christmas for the pubs, cafés, hotels and restaurants that had had to cancel bookings for customers they had expected during the previous week, at a cost to their reputation, as well as to their income.

There must be a reckoning for what happened last month, and it must never be repeated. I thank the Minister for being extremely helpful to me throughout the crisis, having multiple phone calls and convening a meeting with South East Water at the height of the crisis in December. Will she now support me in two further respects to secure two things from South East Water?

The first is compensation for constituents who were affected. I realise that a financial sum cannot expunge the memory of the misery that people endured, nor bring back the pleasure forgone of what should have been a relaxed and festive week before Christmas—the first that people have been able to have since the pandemic. However, financial compensation is owed to them by a company that, after all, made more than £83 million in profit last year from those same customers. That compensation should go beyond the statutory minimum and reflect the cumulative and aggravated impact of rolling cuts to supply over many days, and the extreme uncertainty and anxiety that the prospect of having no water caused. I have also asked—I think it is appropriate—that South East Water make a wider contribution to our whole community, over and above individual compensation, to reflect the disruption caused to our area at an important time.

Secondly, can the Minister support me in obtaining an urgent plan from South East Water to increase—indeed, to guarantee—the security of our water supplies against things that have the potential to disrupt them, whether they be power cuts, floods or freezing weather? Every action that can make a difference should be assessed urgently, and measures should be fast-tracked now.

South East Water exists for one reason, and one reason only: to supply water reliably to homes and businesses, but it has failed to do so. If it cannot make us confident that the same thing will not happen again, the company should be removed from that role.

11.10 am

Mrs Helen Grant (Maidstone and The Weald) (Con): I congratulate my right hon. Friend the Member for Tunbridge Wells (Greg Clark) on securing this important debate today, and I thank him and our Minister for allowing me to make a few short remarks this morning.

My constituency of Maidstone and The Weald borders my right hon. Friend's constituency of Tunbridge Wells. Many of my constituents were also completely or substantially without water between 19 December and Christmas day. The main areas affected were Staplehurst, Marden, Cranbrook and Benenden. The problem occurred because of a very large number of leaks and burst pipes following a 20° swing in temperatures from -7° to 13°. The combined effect of a 300% increase in burst pipes led to the loss of 100 million litres of water from the system in 24 hours. In addition to people's homes and Christmas plans being affected, businesses such as Iden Manor Farm in Staplehurst were unable to supply drinking water to their livestock. Staplehurst's only pub, the Kings Head, had to close for several days from 20 December to Boxing day. It lost considerable business at a critical time of year.

Sadly, the initial communication response from South East Water was well below standard. There were few updates on websites and people could not get through on emergency telephone lines. Those that did get through were given false timescales for when the water would go back on. In Benenden, people were told that drinking water was available in Pembury, but, as my right hon. Friend knows, Pembury is 13 miles from Benenden, so that was a completely unrealistic suggestion.

However, like my right hon. Friend, I am very grateful to the South East Water engineers and teams on the ground who worked continuously, including on Christmas day and Boxing day—I believe new year's day, too—to make sure that most people's water was back on by Christmas day. Thankfully, water levels in my constituency now are back to normal levels for this time of year.

My office has convened a multi-agency meeting with the chief executive of South East Water, Mr David Hinton, on 7 February. Clearly, there are serious questions to be answered and lessons to be learned. We also need to know what its plan of action is, going forward, to avoid a repetition. I want to hear from our Minister today about the availability of compensation for those who suffered financial loss, and I also want to know how we can build a much more resilient water system to deal with the effects of climate change now and in future.

11.13 am

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Rebecca Pow): It is a pleasure to see you in the Chair, Sir George. I thank my right hon. Friend the Member for Tunbridge Wells (Greg Clark) for bringing the serious matter of what has gone on with South East Water to the Chamber—one of his constituents said, "What on earth is going on?" I must also thank him for his plain speaking. There is no need to beat about the bush here. Similarly, my hon. Friend the Member for Maidstone and The Weald (Mrs Grant). Let us say it as it is. I was very disappointed in the repeated supply issues experienced by South East Water's customers and the impacts that it has had on them. Some pretty heart-rending examples were given, particularly where they related to health issues such as

the diabetes example and the closing of the dialysis unit. Those are really serious knock-on effects; as my right hon. Friend the Member for Tunbridge Wells said, and as I say regularly, access to water is a right, and that should not be in question.

I will first explain a bit about the position of the Department for Environment, Food and Rural Affairs when emergencies such as this arise, particularly in response to the December issue. As my right hon. Friend the Member for Tunbridge Wells knows, water companies have a statutory duty to provide

"a supply of wholesome water"

under the Water Industry Act 1991, and must ensure the continuation of their water distribution functions during an emergency. Where the scale or complexity of an incident demands central Government co-ordination or support, DEFRA is designated as the lead Government Department for the water sector in England. As the lead Government Department, DEFRA is responsible for the planning, response and recovery phases for major disruption to water supplies, and also sets policy and produces guidance to ensure that water companies have appropriate emergency plans in place.

In December 2022, multiple critical incidents occurred across the country, which—as we have heard—were largely due to the fact that we had had that period of sustained cold weather for nearly two weeks, and a rapid freeze-thaw straight afterwards. The Environment Agency and many water companies gave warnings to consumers that that could happen. It led to an increase in mains bursts across the country throughout December, which increased the rate that water leaving storage areas, such as reservoirs, went through the system—that was part of the problem.

During the incident, DEFRA engaged with water companies in England to obtain accurate and timely updates on the scale, impact and response to those bursts, seeking assurances that the incidents were being resolved as swiftly as possible and impacted customers—particularly vulnerable customers—had access to alternative sources of water, such as bottled water. The prolonged water outages were experienced in Hampshire, East Sussex and Kent. Water supply was fully restored across all companies by 24 December.

Assurance and enforcement of the emergency response is overseen by the regulator, the Drinking Water Inspectorate—also known as the DWI—which has requested that affected water companies submit a follow-up report on their freeze-thaw incidents; those are known as 20-day reports. The DWI will then assess those responses and consider whether action can be taken where it is in its regulatory scope and in line with its enforcement policy. The Government fully support regulators in taking any appropriate action where necessary.

I will get back to South East Water. The data that we have heard about is absolutely stark. In 2021-22, 39,000 South East Water customers were without water for between one hour and 126 hours, and their average interruption in minutes per property is over an hour, at one hour, 12 minutes and 23 seconds. It is all accurately monitored. South East Water's performance commitment at the start of the price review period was to achieve just six minutes and eight seconds of interruption time, so we can already see that things have gone wildly astray. It is the worst performer in the sector on this metric of supply interruptions.

[Rebecca Pow]

My right hon. Friend the Member for Tunbridge Wells went on to refer to a “catalogue of failures”—not just the supply interruptions—and, looking back at the data, I cannot disagree with him. Let me make it really clear: South East Water must act urgently to significantly improve its performance for customers and address the issues that lead to loss of supply. While there may be particular geographical features, such as the lack of rainfall—everybody understands that we had a drought and reservoirs were low over the summer—which present challenges for the company, there is no evidence that South East Water faced worse conditions compared with other companies in the area that performed considerably better. I will not accept excuses for poor performance; trust me, I received some.

In relation to the specific incidents in Tunbridge Wells and East Sussex on 19 December 2022, a major incident was declared with approximately 18,500 properties potentially subject to loss of water supply, including 3,000 in Tunbridge Wells and 15,000 in East Sussex, in East Grinstead, Haywards Heath and Crowborough. We also heard about all of those affected in the constituency of my hon. Friend the Member for Maidstone and The Weald.

I had a great deal of communication with my right hon. Friend the Member for Tunbridge Wells and I thank him for getting in touch with the Minister so swiftly. The DEFRA team was already looking into the incident, but when I was informed I was able to raise other issues, particularly that of communication. On 21 December, I called an urgent meeting with David Hinton, the chief executive officer of South East Water, to discuss the response and to seek his assurances that the company would swiftly resolve the matter. I made it very clear that much better contingency plans had to be in place to prevent such widespread losses happening again.

In line with its responsibility as the economic regulator, Ofwat has written this week to all water companies, including South East Water, to ask them to provide a report by the end of February on their performance during the freeze-thaw period. The letter asks specifically what companies will do to improve the management of such incidents. Ofwat will assess the responses and take further action. That goes some way towards answering the question my right hon. Friend the Member for Tunbridge Wells asked about future plans, but I have also asked for a wash-up meeting with David Hinton to go over what happened, how the incident was managed, future contingency plans and wider performance. That will touch on my right hon. Friend's question about the future plan.

I assure the House that Government and regulators take water company under-performance extremely seriously. As a result of missing its performance commitment targets between April 2021 and April 2022, Ofwat has directed South East Water to return over £2.8 million to customers in the 2023-24 reporting year, although the latest incident will go into the next year. The Drinking Water Inspectorate is also assessing the five events from November and December and considering whether enforcement action will be necessary.

The issue of compensation was rightly raised. In accordance with the guaranteed standard of service scheme, which is a set framework to assess what compensation

should be offered, relevant customers in both constituencies will be paid compensation by South East Water by the end of January. Customers do not have to apply for that compensation, as it will be automatically triggered.

Greg Clark: I am grateful to the Minister for her response. I am pleased to hear that this important action by the regulators is taking place and that she has a meeting with the chief executive. In terms of the payments that are provided for under statute, does she agree that they provide a minimum, not a maximum amount? Providing it exceeds the minimum amount, the company is entirely open to make its own assessment. When there is a rolling series of outages over such a length of time, it is essential that not just the letter of the compensation provisions is abided by, but the spirit of them, in order to reflect eight days or more of disruption.

Rebecca Pow: I hear what my right hon. Friend says. There is a format for these payments: water companies must make a payment of a minimum of £20 for a household and £50 for a business when supply is not restored within the initial period—typically, 12 hours—and then a minimum of £10 for households and £25 for businesses for each 24-hour period after that. I hear what he says, however, and I hope South East Water has listened to this debate by the time I have my meeting with Mr Hinton. I also took my right hon. Friend's point about whether water companies should consider some sort of wider community recompense. Obviously, that is for them to consider, but the point was very clearly made.

I have made it clear, and will make it clear again, that South East Water must act urgently to secure a resilient water supply for its customers. It is critical that it adapts its water efficiency programme to target customer demand. Its draft water resources management plan is currently out for consultation. It sets out how the company will provide a reliable and resilient supply of drinking water for the next 50 years. That includes investment of £2.2 billion for new supply infrastructure, and a further £2.1 billion for reducing leaks and customer water use. That consultation closes on 20 February, and I urge all relevant people to take part in it. It includes proposals for a potential reservoir at Broad Oak in Kent, desalination projects and a potential reservoir at Arlington or Broyle Place at Eastbourne in Sussex, so there are lots of proposals in there.

Before I finish, I want to turn to the action the Government are taking more broadly to improve water supply resilience. We have been very clear that water companies have to act to reduce water demand, alongside investing in new infrastructure. To achieve that, RAPID—the Regulators' Alliance for Progressing Infrastructure Development—was set up by Ofwat in April 2019. It brings together teams from Ofwat, the Environment Agency and the Drinking Water Inspectorate to ensure we have a smooth regulatory path for strategic water resources infrastructure so that we can improve England's resilience on water supply for the future. The national framework for water resources, which was published in 2020, sets out the detail of how we will improve water resilience in the longer term.

Water companies are investing £469 million in investigating some of these strategic water resources options, including inter-regional water transfers, reservoirs,

water recycling and desalination. It is quite unusual that Ofwat, the economic regulator, has allowed them to devote that money to such investigations.

Our landmark Environment Act 2021 proposed new statutory water demand targets for water companies so that the water used per person in England is reduced by 20%. We recently published our consultation on mandatory efficiency labelling on appliances—showers, washing machines and so forth. That will be a really important step in our aim to reduce our personal water consumption to 110 litres per person per day. At the moment, it is about 143 litres, so that is a big change. We will need 25% more water than we are using today by 2050, so we need more infrastructure and we need to reduce the amount we use.

The Government are also working to support broader resilience. We have much higher expectations on water companies to retain their supply, fix leaks and improve performance. Ofwat has set stretching targets for all companies to reduce bursts by 12% and supply interruptions by 41% between 2020 and 2025. It has to be said that South East Water is not doing too well on its supply interruptions. In fact, it is the worst performer.

I hope I have made it very clear that if water companies do not achieve what is expected, the Government and regulators will take action. My right hon. Friend the Member for Tunbridge Wells and my hon. Friend the Member for Maidstone and The Weald raised some really important points and have put matters clearly on the agenda. We need to see an improvement.

Question put and agreed to.

11.29 am

Sitting suspended.

Child Maintenance Services

[DEREK TWIGG *in the Chair*]

2.30 pm

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I beg to move,

That this House has considered potential improvements to child maintenance services.

It is a pleasure to serve under your chairmanship, Mr Twigg. I am very grateful for being granted the time to shed light on the Child Maintenance Service, which I will refer to as the CMS, not least because I, along with the help of colleagues, set up a new all-party parliamentary group on this issue in October last year, and because the Government have published an important review this morning, which I will come to shortly. I want to put on the record my thanks to organisations such as Gingerbread, One Parent Families Scotland, Refuge, Women's Aid and Surviving Economic Abuse, which have taken the time to educate the APPG on this issue. I also thank the brave constituents from all over the UK who have shared their experiences with us.

To put it plainly, I am afraid that the CMS is not working. It is failing receiving parents, paying parents and survivors of domestic abuse, but, most of all, it is failing children. Roughly 120,000 children in the UK receive no maintenance, and a high number receive a meagre portion of what they are entitled to. Since launching the APPG, we have received floods of correspondence from people who do not know which way to turn. I put it to you, Mr Twigg, that the CMS is broken, and we MPs cannot make it work on an individual case-by-case basis. I believe it is time for a complete overhaul of the service.

Munira Wilson (Twickenham) (LD): I congratulate my hon. Friend on securing this important debate. He started by rightly pointing out the many cases that cross constituency MPs' desks, and our caseworkers have to deal with very sensitive and difficult cases, the vast majority of which involve mothers. I have had a terrible case of a mother tirelessly pursuing her ex-husband to pay up for nine years, and he has found every which way to game the system. I have also heard from a father who has erroneously paid £18,000 of arrears, despite having evidence from His Majesty's Revenue and Customs that he was not earning money during the period for which he has been charged. Does that not show the complete incompetence of the CMS? It needs to be able to work with HMRC and communicate clearly with parents, but it also needs to have the teeth to take enforcement action where parents are not paying up.

Jamie Stone: My hon. Friend makes some very valid points indeed. Perhaps I should also pay tribute to the staff in my own office, and in the offices of all other MPs, who do fantastic, challenging and difficult work. It is very stressful for the staff members involved, so I pay tribute to them.

I want to focus on the ways in which the CMS can better support survivors of domestic abuse and safeguard receiving parents and their children from falling into poverty. It is quite clear that the CMS is not specialised or tailored to support survivors of domestic and economic abuse, so we in the APPG are glad to hear that the

[*Jamie Stone*]

Government plan to use Dr Samantha Callan's recommendations to introduce new domestic abuse training for CMS caseworkers, which will be delivered by a third-party external agency rather than in-house, as set out in the review published this morning, for which I thank His Majesty's Government. However, our concern is that this does not go far enough. The training should be delivered by a specialist organisation, such as any of the organisations I have already thanked.

I am also glad to hear that the Government plan to protect survivors from having direct contact with abusive ex-partners when trying to obtain child maintenance payments, by giving them the choice to be moved on to collect and pay, the system by which the CMS collects a payment from the paying parent and pays it to the receiving parent without either party having to make direct contact, allowing claims to be made safely. That is an important point.

I understand that the system is more costly for the Government, but we strongly urge that these charges to the paying and receiving parents—20% and 4% respectively—are dropped for survivors of domestic abuse. The charges exacerbate already abusive relationships; they make them worse. Abolishing them would also be a simple way to safeguard against further refusal to make payments.

When it comes to safeguarding receiving parents from falling below the poverty line, I support the call for the CMS to make mandatory minimum payments to survivor receiving parents and to chase the paying parents themselves. This would take the burden of feeling forced to make direct contact away from the survivor and protect them from potential financial ruin. Given the historic failure of the CMS to enforce payments from perpetrators of economic abuse and the current cost of living crisis, we believe that the Government should seriously consider this recommendation.

Many of the problems come down to a fundamental breakdown of communication between the Department for Work and Pensions, and His Majesty's Revenue and Customs. Perpetrators of economic abuse are able to get away with declaring no income if they are self-employed or a business-owner, therefore escaping the obligation to pay maintenance; this will be a situation familiar to Members of this House from all parties. The perpetrators are also able to avoid payments as the CMS has no legal enforcement capability, despite child maintenance being a legal obligation.

The Public Accounts Committee found that unpaid maintenance owed to parents on collect and pay to distribute payments is set to rise to £1 billion by March 2031. Can you believe that? The review by the National Audit Office in March 2022 stated that the work of the CMS has

“not, so far, increased the number of effective child maintenance arrangements across society.”

Siobhan Baillie (Stroud) (Con): This work on child maintenance is incredibly important. The Work and Pensions Committee has also been looking at these issues and I have found the Ministers and the teams at DWP to be very receptive. Does the hon. Gentleman agree that when we are considering how to get money to parents through an enforcement process, the speed of the implementation of enforcement is just as important

as the actual tool, and that involving courts can sometimes seriously delay the enforcement? Also, would he be willing to look at my private Member's Bill about child maintenance enforcement options, which has Government backing?

Jamie Stone: I thank the hon. Member for her intervention. I think I can safely speak for all members of the APPG in saying that we would endorse what has just been said and we would gladly look at her Bill. One of the most encouraging aspects of the work—early as it is—of this new APPG is the cross-party support that there is for it. Regardless of political colour, there is a recognition that there is something very wrong and I am sure that we can improve that.

I will re-emphasise my opening point that currently the CMS is not working for anybody. In my own office, the bulk of cases come from constituents who are paying parents and who are being unfairly treated by the CMS. We have found that it is often the case for parents who have shared care that one parent has the child for more days than the other and is entitled to various child benefits but then asks for maintenance on top of that, despite the other parent caring for the child for two to three days a week without receiving any support from the Government. So there are different ways of looking at this issue.

In my office, we have also seen cases where parents have been making their payments properly and on time, but they have had those payments treated as being “voluntary”, and so they are not counted towards assessed payments.

It is clear that we need a fundamental overhaul of the way that the CMS works, so that it better protects receiving parents from economic abuse and the threat of poverty, and so that paying parents are not being unnecessarily chased by the CMS for payments they do not owe. This would require a proper and thorough understanding of domestic and economic abuse, a fundamental link between the DWP and HMRC, and an urgent review of the internal administrative efficiency of the CMS.

In closing, I will simply say that I make these remarks in this place in all sincerity and I hope that we can move forward on a cross-party basis, with help from His Majesty's Government, to tackle this issue, which cuts deeply into many people's lives and for the worse.

Derek Twigg (in the Chair): May I just remind Members that they should bob if they wish to be called to speak in this debate?

2.39 pm

Mike Amesbury (Weaver Vale) (Lab): It is a pleasure to serve under your chairmanship, Mr Twigg, just as it is a pleasure to serve alongside you as a neighbouring MP. I thank the hon. Member for Caithness, Sutherland and Easter Ross (Jamie Stone) for leading the debate. His speech was eloquent and powerful, and contained some useful pointers for the Minister. As my good friend and colleague stated in his opening remarks, this is a cross-party issue. We have constituency offices and teams that are inundated by the consequences of a system that is not fit for purpose. I welcome this opportunity to speak about the ways in which we can improve the

Child Maintenance Service. Other MPs will highlight specific cases to inform the debate, and undoubtedly the Minister will have a number of takeaways.

The parents of hundreds of thousands of children are in receipt of child maintenance at any one time. When issues occur, they can blight family relationships. Many have already broken down, and some are quite toxic, in terms of domestic violence and so forth. Ultimately, the real harm and hardship are focused on the children. They are who the system is about: the system is there to protect children and help with their life chances. It is vital that it functions well.

We all agree that the CMS has many problems—not least the fact that so much maintenance goes unpaid. Only one third of families with maintenance arrangements have working agreements that see the money paid in full. That is not good enough. Almost half of children in single parent families live in poverty, and in-work poverty has hit record levels. It is no surprise that, as the evidence clearly shows, receiving child maintenance on time and in full lifts children and their families out of poverty.

I want to raise a particular case that my staff and I have been dealing with. We have been dealing with many cases, but this one highlights a number of the problems that constituents face. My constituent is called Danielle. She was forced to contact the Child Maintenance Service after a former partner refused to pay the amount calculated by the CMS to support their two children. A deduction of earnings order was implemented. When, in November, Danielle did not receive the payment, she was told that, although the employer had taken the money from the father that month, it had not forwarded that payment to the CMS.

My constituent works full time, but without that money, she was forced to go into her overdraft to pay for the basics in life. The cost of living challenges at the moment are well documented. Although Danielle has now received that money, the next payment did not arrive either. She was advised by the CMS that the employer stated that it would not transfer anything further until February. She was also told that she was not the only parent waiting for maintenance payments to be sent from that employer. It is clear that that employer is causing a multitude of problems not only for Danielle but for a number of constituents in my patch and in other constituencies in the area. The CMS may be forced to take the company to court to obtain the money, but the decision will be balanced against the cost to taxpayers of taking such action. That may result in my constituent waiting even longer for the money that she and, very importantly, the two children desperately need.

In the meantime, Danielle has been forced to incur additional costs by using an extended overdraft and borrowing hundreds of pounds from her pensioner parents, who do not have much money themselves. That could go on for a considerable time. She is talking about actually finishing work, coming out of the labour market and looking at other options, such as benefits. Surely the system is shooting not only Danielle in the foot, but her children and the taxpayer itself. The enforcement system is simply not working to protect children. There has been mention of the report that has finally been published today. I need time to digest that, as I am sure

other hon. Members do. I hope that it addresses some of these issues and some of the issues already highlighted in the Chamber today.

Finally, and more specifically in relation to the case that I have raised here, will the Minister comment on how we can improve the deduction from earnings system, so that employers do not force families into debt or overdrafts or even on to benefits, and we ensure that children have the best start in life with a system that works effectively?

2.46 pm

Margaret Ferrier (Rutherglen and Hamilton West) (Ind): It is a pleasure to serve under your chairmanship, Mr Twigg. I express my sincere thanks to the hon. Member for Caithness, Sutherland and Easter Ross (Jamie Stone) for securing today's debate and for setting up the child maintenance services APPG. Two of my constituents, Laura and Nicola, attended a meeting of the APPG this morning to share their experiences of the Child Maintenance Service, and that has done a great deal to make them feel that finally their voices are being heard.

Back in May, the hon. Member for Motherwell and Wishaw (Marion Fellows) led a debate here in Westminster Hall on this very topic, and in that debate I spoke about some of the long-running difficulties that my constituents had been having in getting the payments that they were owed by the paying parent in their cases. "Disappointing" is not a strong enough word for how it feels to be here seven months on, knowing that those constituents have yet to see any meaningful changes in their cases.

It is hard for me and my team when we see a new CMS case cross our desk. We know that constituents expect us to be able to do something to sort the problem out for them. We have the same expectations of ourselves. But we also know that there will be months of back and forth and most likely very little to show for it at the end. That is not because we—both Members and our staff—are not trying hard enough, and I am sure that it is not because the staff at the CMS do not have sympathy or want to help. It is because the system is not fit for purpose. Reforming it for the benefit of the service users must be an urgent priority for Ministers.

I know that some headway is being made. I welcome Dr Samantha Callan's report today on the CMS response to domestic abuse, for example. I also welcome the response to that report from the new Minister on this matter, which reflects support for changes that many CMS users and their elected representatives have been calling for.

Jamie Stone: I am very glad that the hon. Member has made a point of drawing a line between the best efforts of the CMS staff, and the system. I want to place it on the record that my own office has no problem with the people on the other end of the email or the telephone. I do not want that to be misunderstood.

Margaret Ferrier: I thank the hon. Member for making that point; it is exactly what I was meaning. It is not incumbent on the CMS staff to sort out every single problem, but they need to be given the tools to be able to help us as parliamentarians and to help, ultimately, our constituents.

[Margaret Ferrier]

The report today by Dr Samantha Callan is a long report, and I admit that I have not yet had an opportunity to review it in full, but I am pleased that long-running issues are finally being reviewed and addressed. Dr Callan's report rightly highlights the fact that the space in which the CMS operates is unusual and tricky and that, as she puts it,

"The CMS is a state agency that is tasked with intervening in an area of social life—parental separation—that is often highly emotionally charged, where people are not always able to act rationally, and where contact with both parties is required in order to get money flowing for the benefit of children."

She also highlights the fact that the CMS's remit is to administer the scheme, but it does not have a statutory safeguarding responsibility or duty of care.

One of the key recommendations that Dr Callan's report has made, and Ministers have accepted, alongside others, is to allow receiving parents who are survivors of domestic abuse to access the collect and pay service without the consent of the paying parent. The reasons behind that are clear and it is welcome that they are being recognised through changes to the system.

I have heard deeply upsetting stories of paying parents using the direct pay system—where they pay maintenance into the receiving parent's bank account—to continue to control and abuse their ex-partner. There are stories of payments being split into small chunks, with abusive messages left in the payment reference box as a means to continue the abuse. It is correct that that has changed, but I think that the change could and should be applied more broadly. Where paying parents refuse to keep up with payments via direct pay, receiving parents should be able to request use of the collect and pay method and to feel reassurance that their request will be granted.

In fact, that was the request my constituent Nicola made to the CMS, which refused. She is no longer in contact with the paying parent, but she has been told on various occasions that she would need to go away and gather information on his earnings or her daughter's entitlement. She is not the only one of my constituents to be told that. She says she is made to feel like a neurotic, money-grabbing woman every time she complains about the system.

Another constituent, Laura, has explained that her mental wellbeing and self-esteem have taken a real knock from the ongoing back and forth with the service. Imagine someone being made to feel in the wrong for fighting for the money they are entitled to in order to meet the basic costs of raising a child. As it stands, it is far too easy for paying parents to avoid payments, under-declare their income and hide income streams. That is a key aspect of almost every case involving CMS that comes to my team.

Constituents report that they are even advised by the CMS to subsidise their income—essentially to claim benefits—if the paying parent does not keep up with their financial obligations. That entirely defeats the original intention behind the reform of the Child Support Agency into the Child Maintenance Service that we have today, which was to remove the state's financial burden and its involvement in child support arrangements as far as possible.

If Government Departments and agencies addressed the issues head on and communicated with each other, a lot of the pressure caused by this avoidance by paying

parents could be quickly eased. We know—that point is crucial—that communication between the child welfare scheme, DWP and HMRC is frankly not good enough. We also know that there are reasons for that, such as the regulations around information sharing and how intelligence is acted on. But what I do not understand is why the Government have not brought forward measures to fix things much sooner.

Women and children are victimised again and again by this outdated, underperforming system. I understand that both men and women can be, and are, victims of domestic violence and economic abuse, and we heard about that this morning at the APPG. That said, the gender aspect of this problem cannot be ignored, and it stems from historic and deeply held misogyny in society's subconscious.

We have children literally ageing out of the system, without seeing a fraction of the money they are entitled to to enable them to have a normal, comfortable childhood. It is clear that the current system does not work, if it ever has. My constituents and their children need more. They need a commitment from Ministers that the Government will really get into the detail of the failings of the CMS. They need a commitment from Ministers that they will be offered the right support and that the communication between Departments will be addressed and improved. They need a commitment that this will be done urgently. I hope the Minister is in a position to provide those commitments.

2.55 pm

Sarah Green (Chesham and Amersham) (LD): It is a pleasure to serve under your chairmanship, Mr Twigg. I thank my hon. Friend the Member for Caithness, Sutherland and Easter Ross (Jamie Stone) for securing this important debate. In the past year, I have observed a marked increase in the number of constituents contacting me to share the difficulties they are having with the Child Maintenance Service. I would like to say at the outset that I echo the comments made about the individuals at the end of the hotline desperately wanting to help and to be supportive. It is the system itself that I have an issue with.

The first point I want to raise is about the need for improvements in customer service and case management. The CMS is, in the words of one constituent, "absolutely too difficult to deal with."

People are left waiting on the phone for hours to speak to caseworkers, only to be told that they are unable to help with the query. Electronic communications often leave much to be desired. One constituent told me they receive updates at 10 pm on a Friday, resulting in a weekend of stress, as they are unable to seek further information or take action until the following Monday. Many individuals relying on the CMS are already under immense emotional strain, and the service should not add to that burden.

When things go wrong, they are not always addressed quickly enough. One particularly concerning example came from a constituent who, despite taking over custody of his two children in March last year, is yet to receive any child maintenance payments for one of them. We are told that the failure is down to an IT error—the child's middle name is used in one location and not in another. It is "computer says no" gone mad. We are told

the CMS is working to resolve the issue, but my constituent first raised it in July, and it still is not resolved. Given the serious financial implications that the error could have, it should be resolved urgently, particularly given the rising cost of living. It is just not good enough that a parent has not received the child maintenance they have been owed for so long because of an IT error.

Several of my constituents do not feel that the service has sufficient power to ensure that paying parents contribute what is owed to the welfare of their child. In one case, a constituent's ex-partner has not been required to make payments because, as far as the CMS is concerned, they are not working. However, they are simply not working in the United Kingdom, while receiving a sizeable income from assets in Australia.

In a similar case, another constituent's ex-partner qualified for the nil rate of child maintenance due to a failure to take into account the rental income they earned from properties. There appears to be a real difficulty with CMS accounting for income that takes any form other than a regular salary or wage. That allows paying parents who are asset-rich to get away with not paying towards the care of their children. What steps are being taken to improve communication between HMRC and CMS?

Finally, I want to raise the issue of the collect and pay service. I have encountered several cases in which payments made using direct pay have been used to inflict continuing economic abuses and coercion on victims of domestic violence, so I welcome this morning's news that the Government have accepted Dr Samantha Callan's recommendation to amend legislation to ensure that direct pay cases can be moved to collect and pay when there is evidence of abuse. I wait with interest to hear more from the Government on how they will facilitate that and how they plan to define evidence of abuse.

I am, however, disappointed that the Government have no intention of removing the 4% deduction applied to the sum received by the receiving parent under the collect and pay service. I raised the issue on behalf of one constituent in a letter to the Secretary of State in November. The reply I received from the Minister for Pensions was concerning. It stated:

"there are no plans to abolish the 4 per cent collection charge for receiving parents. This charge only applies to the Collect and Pay service and is intended to provide a parent with an incentive to use the Direct Pay service which has no ongoing fees."

I find the insinuation that receiving parents require an incentive to stay on direct pay troubling, when the move to collect and pay generally occurs due to the failure of the paying parent to meet their financial obligations. It appears that CMS is deliberately using the 4% penalty as a deterrent, which seems misplaced. This is particularly pertinent in cases of domestic abuse, as it leaves victims facing the choice of either dealing with their abuser directly or risking a decrease in the money they receive to care for their child. I am disappointed that the Government are not looking to change that policy, and I ask the Minister to reconsider.

Ultimately, we must remember that the purpose of the Child Maintenance Service is to ensure that the children of separated parents receive the financial support they deserve. The system should work with them, not against them.

2.59 pm

Marion Fellows (Motherwell and Wishaw) (SNP): It is a pleasure to serve under your chairmanship, Mr Twigg. I congratulate the hon. Member for Caithness, Sutherland and Easter Ross (Jamie Stone) on securing the debate, and I thank him for chairing the APPG on child maintenance services this morning. As the hon. Member for Rutherglen and Hamilton West (Margaret Ferrier) alluded to, I have done this before. In fact, I have lost track of the number of times I have taken part in or led debates on the Child Maintenance Service. It is quite difficult to stand here and recall that nothing appears to have changed in the seven and a half years I have been pursuing this important topic. I will try to remain calm and measured and not get upset, as I sometimes do when thinking of the cases that have gone through my constituency office.

I want to make it clear that I am not here raging against paying parents alone. I am not here raging against receiving parents alone. I am here, as I have always been in these debates, to help the children involved. It is important that we all remember that, at the end of these esoteric debates, with everything we talk about, there are children who—through no fault of their own—are being pushed into poverty and who are part of the emotional abuse that sometimes takes place when parents separate.

I will do the formal bit—the bit with figures. DWP figures show that since 2012, when the CMS began, £512.6 million in unpaid maintenance has accumulated. That does not take into account the maintenance arrears that the CSA accrued over time. The CMS was supposed to be an improvement on the CSA system, but I cannot see—nor have I ever been able to see—that that is the case. The SNP—in the whole—and I have repeatedly called for effective enforcement action to be taken in the collection of maintenance arrears. Gingerbread ran a huge campaign on the issue as well. Some children go right through the system without getting what they should and then pass out of the system. They have been brought up in poverty as a result of parents not paying what they should.

There need to be much stronger systems and more resource dedicated to tackling parents who attempt to avoid or minimise child support payments and who do not pay what has been agreed. The withholding or restricting of child maintenance payments can be used as a tool for economic abuse. According to DWP data, in the quarter ending September 2022, 53% of new applicants on CMS were recognised as survivors of domestic abuse. It is not just physical abuse we are talking about here, but economic abuse. The hon. Member for Rutherglen and Hamilton West talked about the nasty remarks made on bank statements as part of the reference for money paid by paying parents. I want to thank the person who came to speak to the APPG this morning about the economic abuse side of this issue. You will forgive me, Mr Twigg—I have covered this table in papers and I cannot find the name I am looking for—but we heard from a member of Surviving Economic Abuse, which has been working on this issue for a number of years.

Some paying parents continue the economic abuse of their previous partners to the detriment of their children. It is utterly shameful. Little is done when a paying parent pays a token amount; it seems to halt processes

[*Marion Fellows*]

at CMS, meaning that those children do not get what they are entitled to and—especially nowadays, in a cost of living crisis—what they absolutely need to keep themselves out of poverty. Children in poverty do not thrive and, at the end of the day, are not able to contribute to society in the way that they might otherwise have done.

Jamie Stone: The hon. Lady is speaking with extraordinary power on this issue. Does she agree that even if a child is fortunate enough to get through this, it can still leave a mark on them for the rest of their lives?

Marion Fellows: I have papers in front of me from a case in my constituency. The parents have separated, and the father was going through court to try to get residency for his daughter. His daughter has now left school, and his ex-partner is still claiming child benefit, which is an abuse of the social security system. His daughter has now left home, is impoverished and has no contact with her father. He sees this as a failure of the state to help bring up his daughter properly. He has been paying, but he has now tried to walk away from the court case because he cannot afford to continue. It also would have meant that his ex-partner ended up in prison. It is a terrible case. I did say I would not get involved and get too emotional, but it is difficult to listen to what happens to children because of failures in the CMS.

A Joseph Rowntree Foundation report from 2020 found that nearly half of children in lone-parent families are in poverty. This has to stop. Satwat Rehman, the chief executive of One Parent Families Scotland, said:

“parents are facing huge delays in hearing back, poor customer service, and ultimately a failure to collect payments”

at

“a time when the cost of living is rising to impossible levels”.

Victoria Benson, chief executive of Gingerbread, said:

“Child maintenance is not a ‘nice to have’ luxury, in many cases it makes the difference between a family keeping their heads above water or plunging into poverty.”

Mumsnet founder Justine Roberts said:

“Providing for your children is a fundamental responsibility, and it’s genuinely surprising that the Child Maintenance Service allows so many adults to evade it. Children from these families deserve better than to be treated as collateral damage when relationships break down.”

The Scottish Government do all they can to mitigate child poverty. The child payment fund in Scotland, which has been quadrupled recently, is a good start, but it is still not enough. The real issue is that the CMS is not working. That is it in a nutshell. Parents spend hours on the phone—either the paying parent or the parent with care—and they do not get the same person on every call. They get conflicting advice, they end up in tears and they end up wasting their entire weekend with worry, as Members have said. It is not good enough.

Margaret Ferrier: Looking back to the contribution from one of my constituents at the APPG this morning, the problem is not just the communication between the CMS and the constituent, but the fact that constituents are told they will get a call back. On several occasions that has not happened. Does the hon. Member agree that that adds to the poor mental wellbeing of those parents?

Marion Fellows: I could not agree more. I have numerous cases like that, and I have had them over the piece.

I want to commend Cyrene Siriwardhana, who was the person from Surviving Economic Abuse who spoke this morning. She raised the issue of how, when the paying parent is charged an additional 20% in collect and pay because they do not have a voluntary arrangement, that leads to even more economic abuse of parents. They game the system; they pay a little, and everything stops. Then, eventually, they pay a little more. That just is not right.

One difficulty in all this is the lack of communication between the DWP and HMRC. Many parents have provided the CMS with evidence about what their ex-partner is earning and doing, only to be told, “We cannot help.” HMRC is also involved and does nothing either. It is imperative that we get the system to work properly for the children involved and that we stop parents gaming the system.

I was encouraged by the issuing of today’s report and the Government’s response to Dr Callan’s independent review of the Child Maintenance Service response to domestic abuse. I was glad to see that the Government have accepted almost all the recommendations. However, I am concerned that the last one—recommendation 10—has been declined. They should all be accepted.

The last one recommended that the DWP produce an implementation plan with a specifically tasked team within the civil service to take forward the recommendations, with a remit to report directly to the independent reviewer. I try not to be a cynic. I try very hard to see the best in everyone and to believe that the Government really want to help the children who are suffering because they are not getting their maintenance payments. Recommendation 10 would be a good way to keep all the review recommendations that have been accepted firmly on track.

I find it difficult to trust a Government whom I have been calling on for seven and a half years to make changes to help parents who have to go to the collect and pay system and in many cases have no choice. The Government have made various concessions over the years—they said they would take away people’s passports, for instance, but they have not really done that or taken other measures to try to enforce payment. The issue is really important. Can the Minister tell me why the Government declined that last recommendation?

I have spoken briefly to the Minister before. One of the other issues that we have as parliamentarians, and especially as Back Benchers, is that the Minister responsible for the CMS—I am not entirely certain how long this has been the case, but I think it matches my tenure in this place—has always been based in the House of Lords. That means that every time we have a debate in the Chamber or Westminster Hall, we do not get to look into the eyes of the Minister responsible for the Child Maintenance Service. I have had many meetings with Baroness Stedman-Scott over the years and I look forward to having many meetings with Viscount Younger of Leckie. However, I would be much happier if I could have a debate with the Minister directly responsible for the Child Maintenance Service so I could take forward some of the worst cases that I have and have had in my caseload over the past seven and a half years.

In conclusion, we have to stop having these debates about the Child Maintenance Service, how it is failing and what needs to be done to improve it. We just need the Government to get on with it. We need them to do the right thing and make sure that children do not live in poverty because two or three Government Departments cannot get their act together and chase down people who are abusing either the DWP benefits system or the HMRC system for paying tax because they are working in the black economy and their earnings cannot be shown and used in calculations for what is due to the children.

I will sit down now because I do not want to get started on how the CMS calculates payments. I could be here for another hour. Will the Minister please look at the issue and give us a good reason why the Government have not accepted recommendation 10? We need to know that the Government will do what they say they will do, and that will go back to Dr Callan, as the independent reviewer.

3.15 pm

Ms Karen Buck (Westminster North) (Lab): It is a pleasure to respond to the debate under your chairmanship, Mr Twigg. I congratulate the hon. Member for Caithness, Sutherland and Easter Ross (Jamie Stone) on securing the debate, on his work on the APPG and on a powerful opening speech.

The contributions that we have heard this afternoon draw on the casework that Members of Parliament have brought to them, many of which are deeply harrowing and very powerful, and reinforce a point made several times: we do not want to be here debating the failure of the system. We want to be able to concentrate on other topics, knowing that the management of this policy area has been brought under control once and for all.

The debate is timely: the highly critical report by the National Audit Office on child maintenance was published last March and we will be closely studying the Government response to the review of the Child Maintenance Service response to domestic abuse, which has been published today. There are also two private Members' Bills on aspects of the service going through Parliament at the moment.

Child maintenance may no longer attract the almost entirely negative headlines that it attracted a couple of decades ago, but, as we have heard, it concerns 2.4 million separated families with 3.5 million children, only half of whom have in place an effective management maintenance arrangement, where any maintenance at all is being paid. That figure is effectively unchanged since 2011-12.

We know that maintenance payments are important in reducing child poverty. It has been estimated that one in five single parents on benefits is lifted out of poverty by maintenance payments—a figure that can and should be a great deal higher. For hundreds of thousands of families, the system is failing to ensure that maintenance is paid or paid in full. Remarkably, the National Audit Office says

“it receives more correspondence on child maintenance than any other single issue.”

In addition, the DWP receives more complaints on child maintenance than on any other subject.

Ideally, we would all prefer not to need an agency such as the Child Maintenance Service, or to need it a great deal less than we do. We would prefer that the

overwhelming majority of separated families had voluntary arrangements in place, where the separated parent fully met their responsibilities to their family, so that it was unnecessary for the state to intervene. However, we do not live in such a world and we cannot bring it about just by wishing it.

There are major problems in the enforcement of maintenance obligations, as we have heard and as I will return to, but it is important to recognise that the issue is not simply one of enforcement of statutory maintenance arrangements, which involve only 18% of separated families; it is no less importantly about the absence of any arrangements whatever. As the NAO has shown, 44% of separated families simply have no maintenance arrangement in place, whether statutory or voluntary, effective or ineffective.

Nobody wants to return to the days of the old Child Support Agency, but the present situation is hugely out of line with the expectations of the DWP when the system was reformed a decade ago. As the NAO has reminded us, back then the Department's assumption was for voluntary arrangements to rise to 35% of separated families by 2019. That expectation was slightly exceeded, at 38%, which is welcome.

However, the Department also assumed that take-up of the statutory scheme would fall only from 46% to 33%. In the event, that expectation was hugely overshot, with only 18% of families now using the statutory scheme. It was thus a matter of simple arithmetic that the percentage of families with no maintenance arrangements in place at all rose from 25% in 2011 to 44% in 2019-20. Remember, the Government's stated objective in 2012 was to increase the proportion of separated families with effective maintenance. That objective has simply not been met. There has been no change at all, as the NAO has shown. The explanation lies as much in the low take-up of the statutory scheme as in non-compliance with it. Why did the Government think that the 2012 reforms would increase the number of families with effective maintenance arrangements? The NAO said:

“The Department's 2011 green paper...set out the need to better integrate support provided to families to help them make family-based arrangements with other services such as those provided to parents going through separation, the family justice system and the then Sure Start system.”

The Government then proceeded to devastate the Sure Start system, cutting provision by more than a third. What steps are DWP Ministers taking to improve take-up of the direct pay and collect and pay options offered by the CMS? The question is not about what might be achieved through unspecified integrated support with other services, but what the Department itself intends to do. How will Ministers ensure that the intention is driven through the Department and how will they ensure accountability in line with the expectations?

None of that is to suggest that enforcement is not an issue; it just should not be used to distract attention away from other failures. There are huge problems in the enforcement of statutory maintenance arrangements. It was understandable that enforcement action was negatively affected by the pandemic. CMS staff were redeployed to manage the surge in universal credit claims. The courts were closed. The number of liability orders in process fell from 6,900 in March 2020 to 2,400 in September 2020. All that was understandable, but since 2020 there has been only the most partial recovery. The figures for

[Ms Karen Buck]

June 2022 are not only far lower than they were before the pandemic, at 4,200, but lower than they were in June 2021—by over 1,000 cases. The number of enforcement agency referrals in process is less than half what it was before the pandemic.

We need a child maintenance system that works: with voluntary arrangements where possible, but with statutory arrangements that reach the families who need them and are enforced far more effectively than they are now. Will the Minister set out exactly how the DWP intends to rise to those twin challenges, so that we do not need to come back to this Chamber and once again debate the failures of the Child Maintenance Service?

3.22 pm

The Parliamentary Under-Secretary of State for Work and Pensions (Mims Davies): It is an honour to serve under your chairmanship, Mr Twigg. I congratulate the hon. Member for Caithness, Sutherland and Easter Ross (Jamie Stone) on bringing this important debate before us. I welcome his efforts on the new Child Maintenance Service all-party parliamentary group, and I welcome the contributions from all Members from across the House today. The hon. Member for Westminster North (Ms Buck) spoke about the difference it makes to youngsters' lives when parents work together to support them. Hon. Members know that, and I appreciate their passion and interest in the Child Maintenance Service.

The CMS plays an important role in ensuring that children are best supported financially when their parents do not live together and are unable to come to private financial arrangements to support them. Our aim with the CMS is to help parents provide vital support for their children, and we are sensitive to the needs of both parties. It is designed to promote collaboration between parents where possible, but it offers a statutory scheme if that is not possible. We must all reiterate that child maintenance is so effective at lifting youngsters out of poverty and enhancing the life chances of children from separated families. I will come on to that later.

As mentioned, until recently the day-to-day policy responsibility for child maintenance sat with Baroness Stedman-Scott. She was incredibly passionate and strident in her desire for the CMS to be at its best. I witnessed that first hand, and I am sure that view is shared by Viscount Younger of Leckie, who has now taken over ministerial responsibility for the CMS. However, I reassure Members that my day-to-day work in DWP is supporting the most disadvantaged people, who have the most challenges: single parents, people leaving care and refugees—you name it. My job is to support people who need help, and supporting single parents, separated families, women and people leaving domestic abuse is an absolute priority. I hope that reassures Members that I will be working strongly with the new Minister, and I will outline some of that in my comments today.

I have a lot of points to address on how the CMS will improve its service to separated parents, and I will do my best to cover as many as I can. Many Members will have heard this topic being raised by constituents or in this House; it attracts great interest, as we have heard. I, too, am a constituency MP, and we have much better engagement and far fewer challenges in my area than in

the past, but they are incredibly concerning. I appreciate all the MP caseworkers, charities and organisations who assist our constituents.

Family breakdown and partnership breakdown are extremely hard. As a single parent myself, I know how deeply emotional and different all those situations are. We would all want a magic wand in our constituency surgeries to help people going through such difficulties. I reassure the House that we are offering child maintenance support sessions with MPs' offices in March to help with those constituency casework opportunities, so I am keen to hear from Members about particular areas they would like to cover. I hope that is of note.

I agree with the hon. Member for Westminster North (Ms Buck) about the challenge of how to best support separated families, and with regard to the poverty challenges if we do not get this right. She is completely right. Through family-based arrangements and the CMS, it is estimated that receiving parents got £2.4 billion annually in child maintenance payments between 2019 and 2021. As a result, 140,000 children were lifted out of poverty. The hon. Member for Weaver Vale (Mike Amesbury) mentioned that people are being held back from progressing and that the CMS is not working, and I would be very keen to see the constituency cases that he has raised.

I want to take the opportunity to reflect on the review. It was announced today, so this debate is incredibly timely and I thank the hon. Member for Caithness, Sutherland and Easter Ross for securing it. I am grateful for the excellent independent review of the CMS conducted by Dr Samantha Callan, who I met yesterday, and for the Government response to the review, which will be in Members' inboxes this afternoon. The review was announced this morning, with an update. For those who are not aware, the Government response was released today and circulated to all Members of Parliament this afternoon. The report is really important and recognises that the CMS has worked very hard to improve the service and experience for those who are survivors of abuse, and remains motivated to take the practical step change to support parents to set up safe arrangements.

In meeting Dr Callan yesterday, I also met and engaged with Lorna McNamara, who has campaigned for changes after the loss of her sister, Emma Day. She has taken part in the review and has been engaged during the process. Yesterday, ahead of the announcement, I engaged with Refuge, Gingerbread, Families Need Fathers, ManKind, the Domestic Abuse Commissioner, the chief executive officer of the Surviving Economic Abuse charity—who, as we heard in the debate, was giving further evidence today—my hon. Friend the Member for Hastings and Rye (Sally-Ann Hart) and the hon. Member for Birmingham, Yardley (Jess Phillips) in order to go through each and every recommendation and explain the Government's thinking on this issue.

On recommendation 6, which the hon. Member for Rutherglen and Hamilton West (Margaret Ferrier) mentioned, it is that vital cross-Government work that will make the difference. Whether by working with separated parents groups or family hubs, we will absolutely ensure that, where we can pre-empt conflict and take the sting out of things, we do that across Government. That is a firm commitment.

The hon. Member for Motherwell and Wishaw (Marion Fellows) mentioned recommendation 10 and said she was trying hard not to be a cynic. I will help her out

with that. On the working group and the implementation plan, we had conversations yesterday with stakeholders, which I need to discuss with my noble Friend in the other place. He has had other duties in his House, so we need to come together following the engagement yesterday to discuss timelines and the working group. It is important that we discuss how people feel engaged. We are still looking at that and listening to feedback.

Jamie Stone: I may have missed something here. Can I assume that the Minister and the Minister in the other place either have or will meet the organisations I mentioned?

Mims Davies: Yes. To be clear, yesterday afternoon we went through the review step by step and took on board some of the feedback. On recommendation 10, there is some feedback with regard to timelines and implementation that I need to take to my noble Friend to try to unpick some of the questions that were raised yesterday and have been raised during this debate. On the review and the taskforce, we are aware of what has been reported today. I am keen to look at that because, again, it has been picked up today. I hope that clarifies things for the hon. Gentleman. *[Interruption.]* Yes and no, then.

As I say, in the Government's response we were keen to ensure progress, to ensure that parliamentary scrutiny and engagement with stakeholders occurred, and absolutely to look to what the hon. Member for Motherwell and Wishaw mentioned. I hope that we will find, in essence, a middle way. I cannot speak too roundly for my noble Friend, but I am very keen to engage on this matter.

On the wider recommendations, I am engaging in this place on the question of amending the legislation to prevent direct pay from being used as a form of coercion and control. The removal of the requirement to report domestic abuse to qualify for the application fee waiver has been accepted. On piloting the use of dedicated caseworkers for complex domestic abuse cases, that is absolutely something that we will bring forward. In addition, the hon. Member for Caithness, Sutherland and Easter Ross asked about reviewing the calculation formula to ensure affordability for low-income paying parents and including a broader range of agencies in CMS training, as did many of the charities and organisations I spoke with, and Dr Callan recommended that too.

Crucial work is being done both in the review and through the two private Members' Bills mentioned by the hon. Member for Westminster North. The Bill promoted by my hon. Friend the Member for Hastings and Rye, which is supported by the Government, will help to ensure that anyone using the service who has suffered any form of domestic abuse can feel safe and be reassured that their case will be handled sensitively and efficiently.

I would like to outline some improvements we have made in the CMS area, but I want first to cover a few other points that have been made. The hon. Member for Caithness, Sutherland and Easter Ross mentioned training. The CMS reviewed its domestic abuse training in 2021, with input from Women's Aid, but it has been challenged about whether that is enough to ensure that our caseworkers are fully equipped to support parents in these multiple and challenging vulnerable situations. Some aspects of the training teach caseworkers how to recognise the various forms of domestic abuse, as well about checking on previous reports of abuse and providing appropriate signposting to domestic abuse support groups.

Following the independent review of the ways in which the CMS supports survivors of domestic abuse, the CMS will review the training to ensure that it is up to date and fully in line with best practice. The CMS also uses a complex needs toolkit for its caseworkers, which includes clear steps to follow to support customers who are experiencing abuse. The CMS will continue to review and evaluate the effectiveness of the guidance and training with regard to domestic abuse.

Issues around enforcement have been raised in the debate—certainly by the hon. Member for Weaver Vale, who mentioned deductions from earnings. Deductions from earnings orders have proved efficient and effective as a tool for collecting child maintenance. In the quarter ending September 2022, almost half of child maintenance—£29 million—was collected from paying parents who had a deduction from earnings order in place at the end of the quarter. We are working closely with employers to ensure that they understand their legal obligations and to help them to collect and pass on payments to the CMS much more quickly.

On minimum payments, operating a scheme in which the Government guarantee child maintenance payments is not the intent of CMS policy. The role of the CMS is to encourage parents to take financial responsibility for their children. However, as I say, we are often in a very challenged place when managing this issue. In the UK, CMS payments do not have any impact on the money received from other benefits, which has a positive impact on child poverty.

Jim Shannon (Strangford) (DUP): I apologise to you, Mr Twigg, and to the hon. Member for Caithness, Sutherland and Easter Ross (Jamie Stone); I was in the main Chamber for questions and could not be here earlier, although I wanted to be here and I had a speech prepared.

May I ask about how we chase those who are reluctant to make child maintenance payments? In most cases they are men, and in many cases they are self-employed. I know of cases in which they return end-of-year statements that show minimal income yet live in half a million pound houses—paid for—and have top of the range cars that are worth perhaps £60,000. Their assets and quality of living would indicate that their income is far above what they declare. Is there any way that those cases can be looked at? I apologise to the Minister for not being here at the beginning of the debate.

Mims Davies: The hon. Gentleman was clearly double parked this afternoon—in two places at once. I will come on to his point; I will try to cover that for him.

The Child Support Collection (Domestic Abuse) Bill, the private Member's Bill promoted by my hon. Friend the Member for Hastings and Rye, would amend the grounds for transferring people from direct pay to the collect and pay service in order to allow victims of domestic abuse to be transferred to collect and pay, and consideration is being given to exempting parents transferred for that reason from collection charges. The Bill will have its Report stage on 3 March, and I encourage Members to participate in that debate if they are able to.

Let me turn to unearned income, which has been mentioned this afternoon. The Government's response to the consultation "Child Maintenance: modernising and improving our service" was published in March 2022.

[Mims Davies]

Currently, for certain taxable income a parent earns, such as income from property or investments, either parent must ask for that to be taken into account in the calculation. Our intention is to change the approach so that unearned income is identified at the initial case set-up stage and included in the calculation at that point. That will provide a more accurate reflection of the paying parent's overall income; as the hon. Member for Strangford (Jim Shannon) alluded to, there are certainly concerns that that is not always the case. The change will require amendments to the legislation that governs the Child Maintenance Service, and we are exploring how that could be implemented. I shall come on to enforcement.

Hon. Members raised the issue of the 4% collection fee for the receiving parent, which is a contribution to the cost of using the collect and pay service. The fee is taken only from any maintenance received. The CMS often has to take action to secure child maintenance payments in the collect and pay service. There is a balance here, with the taxpayer subsidising a difficult service, but the fee acts as a nudge to encourage people to consider whether a voluntary arrangement can be made, whereby there are no fees to pay. However, I have heard hon. Members' concerns about the fee.

With regard to the NAO findings on effective arrangements, the CMS is designed, as I have said, to encourage people to agree their own family-based arrangement. Some 40% of parents are now doing that, compared with just 29% before the CMS was established. This is a better system for children and families, and for the taxpayer. It is vital that we continue to push for such engagement.

Jim Shannon: I again apologise for not being here to get the full gist of what the Minister and others have said. Over the years, I have had some ladies come and tell me that their husband has transferred their house, their rental properties and everything else into his mum's and dad's names; the husband has actually moved out of the property that they were living in to live with their mum and dad. Quite clearly, that is an abdication of responsibility by those men. Is there a mechanism within the changes and the new legislation that the Minister has outlined to ensure that those people who blatantly and systematically try to avoid making payments for their children can be caught?

Mims Davies: I thank the hon. Gentleman for his intervention and I completely agree with him. The lengths that some parents will go to are astounding, which is why we support the work by my hon. Friend the Member for Stroud (Siobhan Baillie) on this issue.

At the end of the day, we all should be responsible parents who do the right thing. We know that the vast majority of parents want to do the right thing and do it. However, it is absolutely clear that some people are prepared to do something very different. We need to ensure that child maintenance is paid. That is appropriate, because we know—I have reiterated this point today—the difference that it makes.

Where a parent fails to pay on time or in full, the CMS takes a proportionate approach. Importantly, it first tries to re-establish compliance. That gives the parent the opportunity to get back on track and to prevent the

build-up of arrears. There are two different sorts of cases—those where people actively avoid payment, and those where people find that their circumstances change—and we need to be cognisant of that.

Where somebody consistently refuses to meet their obligations towards their children, the CMS will be robust in using enforcement measures. As I have said, it has powers to make deductions from earnings, bank accounts and certain benefits. It can also use enforcement agencies—previously known, in old language, as bailiffs—to take control of goods, and it has the power to force the sale of property. Baroness Steadman-Scott encouraged the CMS to be bold in using its enforcement powers and to leave no stone unturned to ensure that youngsters are adequately protected, supported and provided for. The hon. Member for Strangford outlined very important action that the CMS has to take, although it must be balanced in its approach. I know that some paying parents whose circumstances change wish for that to be understood more fully.

We are absolutely committed to the highest standard of engagement in terms of the customer experience, which has been raised today, with a focus on getting back to people and communicating better, and making digital improvements so that people can update us and engage with us more quickly. The phone line has been mentioned today, but customers can also apply online; indeed, over 90% of applications are now made digitally, which makes it easier for parents to access support. There is now an online service—My Child Maintenance Case—that allows customers to access and maintain data themselves. Parents can now report 20 different changes of circumstances online, and automation means that it will be much quicker for them to manage their arrangement.

Key changes have also been made to help people arrange child maintenance. A more accessible, 24/7 digital service helps customers try to work out the most suitable arrangement for them. It is a more modern, flexible service for the majority of customers and ensures that our caseworkers are able to focus on the most complex cases and the ones with which parents need more support and engagement.

In this conflicted parental environment and in supporting troubled families, customer satisfaction is key. We are reviewing the customer service framework through the digitalisation and transformation programmes. There is a focus on gathering customer insight and perception. Anecdotes from Members of Parliament are key, but it is important that we use that voice and change things in real time more quickly. The CMS recently piloted real-time customer feedback to better understand the customer experience and is now supporting a wider roll-out. We are focused very much on efficiency and improvements, and of course the review that I have responded to today and the two private Members' Bills will help.

Jim Shannon *rose*—

Mims Davies: I will take one final intervention and then I will try to conclude.

Jim Shannon: The Minister is being most generous—I want to put that on the record. Another concern that my constituents tell me about is the time it takes for an investigation to start and conclude. In the changes that

the Minister has referred to, which I welcome, by the way, will a timescale be put on an investigation so that a lady who applies for a benefit can say, “In three months’ time”—or whatever the time is—“I will have this concluded”?”

Mims Davies: That is a really important point, and I will take it away with me. This is often something that we hear from constituents in the process: “How does it work? How long will it take? What can I expect?” Certainly when it comes to supporting families, I can understand the point that the hon. Gentleman raises.

I want to conclude by saying that I appreciate all the insights and engagement from across the Chamber this afternoon. The response to the CMS independent review has been roundly welcomed by the sector and many of those who have heard some of our response today. I look forward to engaging further. I can assure hon. Members that although responsibility for the policy sits predominantly in the other place, there is interest across both Houses. That will not change as we try to support and help youngsters and families in these difficult times.

I thank Members for the opportunity to respond to this debate. I have tried to cover most of their points and I thank them for their constructive and helpful feedback. The DWP and the CMS will follow reports by the all-party group and other with great interest, and will always do what is best to support families and youngsters to get the best opportunities by working together.

3.48 pm

Jamie Stone: It is clear to all of us that the Minister has gone into this in some detail and has been thorough in her approach. I am sure we are all grateful for that. I happen to know her noble Friend in the other place because we were at university together many years ago, and I know him to be a man of good faith. I thank the hon. Members who have contributed so very well and made the points that needed to be made with some passion, which shows how important the subject is. None of us underestimates the task that we have to carry out or the problem that we have to solve, but I believe the good will is there. If we can work together, we can do something that will be good for young people caught in this terrible trap.

Question put and agreed to.

Resolved,

That this House has considered potential improvements to child maintenance services.

3.49 pm

Sitting suspended.

BBC Local Radio

4 pm

Derek Twigg (in the Chair): I will call Gregory Campbell to move the motion and then the Minister to respond. There will not be an opportunity for the Member in charge to wind up, as is the convention for 30-minute debates.

Mr Gregory Campbell (East Londonderry) (DUP): I beg to move,

That this House has considered the BBC’s role in promoting locally-based radio reporting.

A few years ago, a previous Secretary of State for Culture, Media and Sport, the right hon. Member for Staffordshire Moorlands (Karen Bradley), gave the standard mantra that the BBC constantly uses:

“The BBC should always have the editorial and operational independence to decide how best to serve its audiences”.

I think most people would subscribe to that, which is why I describe it as a mantra. None the less, the Government have a duty to ensure that the BBC acts in the best interests of the licence fee paying public, which is why I am grateful to have been granted the debate. I am also grateful that the Digital, Culture, Media and Sport Committee alluded last week to the subject matter that I raise today, which is the downgrading of my local BBC radio station, BBC Radio Foyle, which serves Londonderry and the north-west.

It may surprise some people—hopefully not too many—that I raise this subject, as I am sometimes described as an arch-critic of the BBC. My view is that when the BBC does well, I wish to acknowledge that, and when it deserves criticism, I am more than content to offer that. I will leave others to judge on that basis whether the description of arch-critic is accurate, given the number of times I have either criticised or praised the BBC. That is a matter for another day.

I was first interviewed on BBC Radio Foyle not long after it opened in 1979, which seems like an awful long time ago. In fact, when I think about it, it is an awful long time ago. There are a number of changes that I wish to see applied to my local radio station, but its downgrading is not one of them. Last week, at the sitting of the DCMS Committee that I have alluded to, the director-general, Tim Davie, was asked about the downgrading of Radio Foyle. He responded:

“The savings plans we have announced affect many different people and teams within BBC NI...This is a painful saving, but we believe we should be investing more in digital and be doing more across the whole of Northern Ireland in terms of developing the production sector and other things.”

Many of us would make the point that local radio is often a lifeline when things are difficult locally, and the past 24 hours are a classic example. At home, we have had exceptionally bad weather—frost and snow—with roads difficult to navigate and schools closing between last night and this afternoon. That all happened in the geographic area of Londonderry, Limavady and Strabane, in the north-west of Northern Ireland, which is right in the middle of BBC Radio Foyle’s catchment area. This morning, the very programme that the BBC is seeking to axe was able to carry information live to listeners in the catchment area who would be affected by road and school closures so that they could take action, either to

[Mr Gregory Campbell]

avoid roads that would be closed or to ensure that their children could move to another location rather than navigate difficult roads to schools that were going to be closed. All in all, the very day that we are discussing the issue is a day that shows the importance of a local radio station. Along with the downgrading of the station and the axing of the very popular breakfast-time programme, on between 7 am and 9 am, the hourly news bulletins are to go, according to Mr Davie.

There is a concern in some sections of the community that the BBC decision is part of an anti-Londonderry bias. I want to make it clear that that is not a view I share. If it was BBC radio in Enniskillen, Portadown, Newry, Newtownards or Ballyclare, my view is that the BBC may well have come to the exact same decision. I believe it is a cost-driven decision, not a bias against a geographic location of Northern Ireland. If it had happened in their area, I would expect local representatives to do exactly what I am doing now and stand up for a local radio station in their community.

Jim Shannon (Strangford) (DUP): I thank my hon. Friend for securing the debate. He has been an advocate for the BBC. Perhaps he is not always in favour of it, but today he is speaking very much in its favour. As my colleague is aware, the promotion of Ulster Scots is a passion of mine. Although I do have many an issue with the BBC and its so-called impartiality, I have been pleased by the time given on local radio to Ulster Scots and Irish music celebration. Does my hon. Friend agree that the removal of those avenues of access leaves that essential cultural programming homeless and ensures that the BBC retains the title of being a mouthpiece for a politically motivated agenda, rather than inspiring an uplifting programme?

Mr Campbell: My hon. Friend is indeed right. I hope the Minister will be able to help with seeking meetings with the BBC to try and ensure that those types of programmes are reflected on a local basis.

The issue is that local radio stations very often give a voice to local people. If it was left to a more centralised BBC—in England a London-centric approach, or in Scotland a Glasgow/Edinburgh-centric approach—we would find that the further afield areas in the geographic location are not covered. That is the fear that there is in Northern Ireland about this decision: that there will be a centralisation of all reporters and researchers in the Belfast area and at Broadcasting House in the centre of Belfast.

What about when events happen 40, 50 or 80 miles beyond the confines of Broadcasting House? Remember, Northern Ireland is quite a small place, and as I have discovered—I may well discover again when I go back home—the Glenshane pass is a very impassable road whenever the weather is bad. That may well be a reason, or perhaps an excuse, for not sending a reporter over the Glenshane pass to locate a school, hospital or some other story when another one is more easily accessible five miles down the road.

Mr Robin Walker (Worcester) (Con): The hon. Member is making a great speech. The issues he identifies with the Glenshane pass are exactly the same as those my

constituents might face with the River Severn. Just as for him, the idea of a reporter based in Belfast being able to report the weather out near Londonderry is crazy, from the perspective of my constituents who spent the weekend carefully listening to radio bulletins about the level of the River Severn, where it would flood and which roads would be closed, the idea that we could lose that weekend programming to Birmingham is absurd.

Mr Campbell: I agree with the hon. Member in totality. I remember a number of occasions when people in Belfast who were unfamiliar with the local terrain would refer to the locality of—*Hansard* may have some difficulty with this—“Magherafelt”. That is not the pronunciation. Local people wondered, “Where on earth is this Ma-geer-a-felt?” It is actually Magherafelt—that is the local pronunciation. That happened because people were unfamiliar with the local terrain; local reporters would not make that mistake.

Paul Girvan (South Antrim) (DUP): I thank my hon. Friend for giving way. In relation to Magherafelt, some people may well say that that mispronunciation does not affect them. One of the areas is that I am concerned about is cost-cutting. When there is a big sporting event that everyone wants to be at, BBC Northern Ireland, for example, will send a delegate, even though other BBC delegates are there, sitting two rows down from them in the press area, reporting back to the BBC on exactly the same thing. Why do they all have to be at such major events?

Mr Campbell: My hon. Friend severely tempts me to go down the road of criticising the BBC. On another occasion I will gladly succumb to that but I will resist the temptation today, although I acknowledge his concern.

The BBC has made its announcement and indicated that it is now embarking on a consultation process. I hope that in her response, the Minister will be able to indicate that the Government intend to make representations to the BBC to ensure that the motion is reflected in the actions and decisions of the BBC. BBC decision making is often driven by what it describes as the cost-effectiveness of its output. Although I support a cost-effective decision-making process, that should not be at the cost of locally based reporting and knowledge driving the agenda so that the BBC more accurately reflects all aspects of geographic area it represents to its listeners and viewers.

I hope that will be the outcome of the consultation process, and that whatever it decides to do, it will have heard what has been said in this debate and outside, that it will listen to what local people are demanding and that it will say, “We have decided to review this.” Hopefully, the BBC will overturn the decision and ensure that the local radio station is there to reflect the needs, concerns and wishes of local people in the geographic area represented by that radio station.

4.12 pm

Giles Watling (Clacton) (Con): It is an honour to serve under your chairmanship, Mr Twigg. I have an interest to declare as I worked for the BBC for many years and am occasionally in receipt of very small cheques from said organisation.

I am an ardent supporter of the BBC and, probably uniquely in this place, have visited the studios of most BBC local radio stations. As I toured the country, I went to those wonderful places where local people reported on local news and, more importantly, told local people that I was coming to their town in a show very soon. It was important that they understood exactly why I was there, what I was doing and how important it was for the local community.

I believe that the BBC should not become entrenched inside the M25. We need the BBC to have local reporters in local towns—people who grew up there and understand the community. The BBC is the flagship of the UK's news and media, and it is in charge of local reporting, importantly doing so with honesty, clarity and, above all, impartiality. It has a unique position and it directly affects and improves local people's lives.

I thank the hon. Member for East Londonderry (Mr Campbell) for securing this important debate. As has been mentioned, people become isolated, but with BBC local radio they feel connected. They feel they have a friend coming through the speaker, talking to them about issues around them, such as snowfall or the inability to cross the Severn.

Plans to cut the BBC locally have been fought with outrage in my part of the world. I have been contacted by many constituents who listen to reporters from different brands of local radio. Even a local respected Member cannot understand the current proposals and completely opposes them. The national BBC does a very fine job reporting as impartially as it can, but it does not hit home in the same way as my local BBC radio station, BBC Radio Essex, which people hear and understand. They say, "How would I know about the traffic queues on the A12 if it was not for local radio?" The A12 is frequently at a standstill and we all need to know about that. I make this appeal to the BBC: do not cut those services, find a way to keep it local. Centralisation is a cut, in a sense. There will be fewer reporters on the ground to cover local stories, especially as we have a problem with local newspapers at the moment. They are dying and their staff are being reduced. Local reporting is becoming increasingly important, and radio is the last bastion of honest, local news media.

Mr Gagan Mohindra (South West Hertfordshire) (Con): My hon. Friend is making an important point about the supply of the next generation of national journalists. They typically start their career in local journalism, whether that is the local newspaper or local radio station. As someone who has been on BBC Radio Essex, as my hon. Friend will know, whenever I have been on it has always been very local-centric. When I was a councillor, it was useful to go on that radio programme to talk about local issues, because I knew it would all be relevant to the listeners.

Giles Watling: I take my hon. Friend's point absolutely. BBC local radio is a training ground for our national reporters, as in the old days repertory theatre was for the likes of me. The loss of local radio stations is a damaging decision from the BBC. We know that the BBC is operationally and editorially independent from Government, as we are so often reminded, but that does not mean that Government can just be quiet and allow that to happen. I look forward to hearing the Minister's comments and hope that the BBC reconsiders its position.

4.16 pm

The Minister of State, Department for Digital, Culture, Media and Sport (Julia Lopez): Thank you, Mr Twigg, for your chairmanship of this debate. I am grateful to the hon. Member for East Londonderry (Mr Campbell). Passionate views have been expressed in the Chamber, and also across the House in recent months, on these decisions by the BBC. I apologise for missing the Backbench Business debate on the matter. I was unfortunately taken down by covid, though I rather sadly watched it from my sickbed, and listened to all the comments that were made.

Since its first local radio service was launched in the '60s, the BBC has played a vital role in promoting locally produced radio reporting. In my view, as I have said in the House before, it is that distinctive and precise local content that makes it a true public service broadcaster, with that unique relationship with the public that follows. Important radio appearances by my hon. Friend the Member for Clacton (Giles Watling) about what will be on at the local theatre, along with the local traffic report and so on, are what make an authentic and true public service.

Today, the BBC's 39 local radio services in England reach 5.8 million listeners a week. They have a huge reach which is incredibly valued by people across our nations. We have heard in this debate how valued those services are. My hon. Friend the Member for South West Hertfordshire (Mr Mohindra) made the point that BBC local radio can be an important incubator for local talent, training those skilled broadcast professionals who go on to feed our creative industries and important broadcasting sector.

I want to recognise at the outset that the BBC's announcement towards the end of last year of changes to radio services in Northern Ireland has caused concern in Government. It was raised by the hon. Member for Foyle (Colum Eastwood) with the Prime Minister in November last year. More recently, the Mayor of Londonderry and Strabane wrote to the BBC's director-general Tim Davie to invite him to the city to discuss the BBC's plans. I am not sure whether that invitation was taken up. I note the request made of me to try to facilitate meetings, and I will happily look into that. Mayor Duffy also wrote to the BBC chairman, Richard Sharp, and stressed the importance of BBC Radio Foyle in the community.

My hon. Friend the Member for The Cotswolds (Sir Geoffrey Clifton-Brown) reiterated to the BBC directly the concerns that have been raised in the Public Accounts Committee.

Colum Eastwood (Foyle) (SDLP): I am grateful to the Minister for giving way, and thankful to the hon. Member for East Londonderry (Mr Campbell) for securing the debate. Tim Davie has offered a number of meetings to some of us. We would like him to come to Derry to see the impact of the cuts, which in my view will end up closing the station.

He will not get to Derry today, because most people in Derry, and even the airport, are totally snowed in. People right across our community have been tuning in to Radio Foyle this morning to find out whether the schools were closed, whether roads were open, and whether they could move around the town and greater area.

[Colum Eastwood]

That would not happen if Radio Foyle did not exist. It is absolutely clear that the intention behind the cuts is to end up without Radio Foyle. Does the Minister agree that without locally connected broadcasters, we will not be able to have the same connection to the BBC and the same valuable public service broadcasting?

Julia Lopez: I hope my memory does not fail me, but I think there are something like 650 BBC roles in Northern Ireland, of which 36 will be cut. I understand that some of the concerns are about whether those roles will be disproportionately removed in areas such as Derry. Concerns were raised about the geographical sensitivities of some of the job losses, which I appreciate the hon. Member for East Londonderry does not share, but such issues are deeply sensitive in the context of Northern Ireland, and I do understand them.

The hon. Member for East Londonderry said that there has been a mantra from the Government about the operational decisions made by the BBC. Equally, I understand that there are various levers in our relationship. The BBC is a public service broadcaster, and I assure him I met the director-general and the chairman to raise some concerns that have been brought to my attention by Members of different parties. We have various mechanisms in our relationship with the BBC, one of which is the mid-term review. The way in which the BBC organises its resources across the organisation is not directly within that remit, but we are looking at issues of impartiality and at the extent to which the BBC's moving into an online presence has an effect on the commercial radio market. All those questions are up for grabs, and we take them seriously.

Last week I met the chairman of Ofcom to discuss this issue and others. Ofcom is the regulator of the BBC and has a role in holding it to account. I do not think it has quite the same level of concern that we in this House have about the changes, but the BBC's public service essence comes down to how it responds to parts of the market that are not being served by the commercial sector. That is why people support the licence fee: the BBC provides some unique services that would not otherwise be provided, and local content is vital.

The Government want the BBC to succeed as an incredibly important British broadcaster that has a wider impact on the creative industries. In so far as we have an involvement in its "digital first" policy, which is what it wants to move towards—that is part of the justification for the changes to its local radio input—I want to have a wide-ranging conversation with the BBC about that strategy. It is about how we support the BBC to thrive, but also how we ensure that its fundamental public service broadcasting operations, such as those in radio, are not undermined as part of the shift. It is understandable and necessary, but I emphasise that we need to ensure, particularly for those who are served primarily by radio—older listeners and listeners in certain geographies—that people are not neglected in the shift to digital that all broadcasters are having to undertake.

I do not have the power to direct the BBC on where it places its resources, but these points are all elements of broader conversations I have with the organisation as a Minister. I try to reflect the sentiments, feelings and strong passions of this place when I have my conversations with the BBC.

Giles Watling: I appreciate the sentiment about independence, and the point about commercial pressures being removed by the licence fee being part of the BBC's set-up. Most importantly, I would have thought that the BBC would be talking to older people, who may not be able to access digital things. Older people in my constituency—I include myself—would be pleased to know they would still have mainstream online BBC services.

Julia Lopez: It is necessary to ensure that the BBC is uniquely able to access audiences who may not be moving online in quite the same way as the majority of audiences. That is a key role for the BBC. The charter requires the BBC to provide distinct content that reflects and represents people and communities in all corners of the UK, and that extends to all socioeconomic groups and age groups. We believe that local content that is relevant to audiences is incredibly important in the BBC's public service remit. Again, it is the public service remit by which we hold the BBC to account, and it is part of the discussions when it comes to deciding the licence fee and so.

The BBC has an "Across the UK" strategy that includes important content production commitments, such as a pledge to increase the BBC's out-of-London spend for both radio and music to 50%. In May 2022 we embedded that target in our framework agreement, requiring 50% of expenditure on network radio and BBC Sounds programmes to be made out of London by the end of the charter period. I hope the communities that Members represent will start to see that benefit.

The charter requires the BBC to work collaboratively and partner with other organisations in the creative economy; we see that in things such as the local news partnerships, which have been raised by the DCMS Committee. The BBC supports Two Lochs Radio, Britain's smallest commercial radio station, which produces public interest journalism in the Gairloch and Loch Ewe areas of Wester Ross in Scotland. That is the kind of unique thing the BBC can do with its spending power and reach, which is reflected in the kind of content produced in Members' constituencies.

As of July, 180 media organisations were supported by the BBC as part of local news partnerships, and that collaboration is incredibly important. I have made it clear that I am disappointed that the BBC is planning to reduce that local radio output. I have also made clear my disappointment at the proposed changes to the output in Northern Ireland, including cuts to BBC Radio Foyle. As the hon. Member for East Londonderry will be aware, BBC Radio Ulster—including Foyle—reaches nearly a third of radio listeners in Northern Ireland, and it is an incredibly important part of that media landscape.

I met the BBC's leadership at the end of last year and expressed everybody's concerns, and that meeting has been built on; following the issue being raised in Prime Minister's questions, the Prime Minister met the director-general and the chairman of the BBC. The Secretary of State has also written to the BBC to remind it of its responsibilities under the charter and to express our concern that we received notification of the changes only on the date they were made, rather than receiving any advance notice; that makes an urgent question rather difficult to respond to.

The DCMS Committee has been looking carefully at the BBC and its planned changes to local radio. I always appreciate the work of the Committee and its valuable contributions. I have asked the BBC for advice on how it will manage major local incidents that require a dedicated rolling news service, given its important responsibilities under the charter to support emergency broadcasting; the weather has been referenced in the debate, and providing that information is a valuable part of what the BBC does.

Beyond the BBC's role in promoting locally produced radio reporting, there is its role in the wider local media ecosystem. Local commercial radio stations, such as Radio Clyde and Downtown Radio, reach 43% of adults every week, and most have licence obligations to provide local news in peak hours, which again provides trusted content. When I raised the issues about cuts to broadcasting with the BBC, I was told that it would protect the local news bulletins and the distinct content for each of the stations in question. I wrote to hon. Members who had spoken in the UQ to set out some of the BBC's response to me; I hope they received those letters.

We want to ensure that everything we do supports community radio stations, and various provisions in the media Bill—which I know everybody is keen to see—will support the wider radio ecology. I hope to be able to provide further details on that Bill in due course. We are providing financial support for technical trials of small DAB broadcasting technology and to license small-scale DAB networks. I hope that that assures hon. Members that not only do we support the BBC in what it does in local radio, but we are looking at how we can have a thriving grassroots commercial and voluntary radio sector at the same time, so that the withdrawal of the BBC does not lead to a large gap in local content.

We all agree that the BBC is a national asset; its centenary year has allowed us to reflect on just how much it has contributed to lives on both a local and national level, and how much it is truly valued by our constituents; the reaction to these radio changes really underlines that point. We want the BBC to continue to succeed for the next century, and that requires it to change, but not at the cost of some of its fundamental public service broadcasting responsibilities. I reassure hon. Members that I have been consistently making that point to the BBC's leadership, and I want to work with them to ensure that, as the BBC moves into new broadcasting challenges, it does not lose its very essence and the public support that underpins its funding model.

Question put and agreed to.

Sudden Unexplained Death in Childhood

4.30 pm

Kwasi Kwarteng (Spelthorne) (Con): I beg to move,

That this House has considered sudden unexplained death in childhood.

It is a great honour for me to give my first speech as a Back Bencher in about six years on this vital subject. We are here to discuss something that is incredibly difficult to deal with, emotionally very taxing, and one of the most serious medical phenomena in our country—something that has not had the public attention it deserves: sudden unexplained death in childhood, or SUDC.

This vital subject was brought to my attention while I was still in Government. Julia and Christian Rogers came to see me at the beginning of October, when I was still Chancellor of the Exchequer. In that role, I would not have been able to raise this vital subject personally. I pay tribute to my constituency neighbour, my hon. Friend the Member for Runnymede and Weybridge (Dr Spencer), for his diligence in pursuing the subject while I was still in Government. Luckily, as a matter of privilege to me, I can now raise it myself. I cannot think of a better, more urgent subject to raise in my first Back-Bench debate for many years.

When Julia and Christian came to see me in October 2022, they told me the story of their son, Louis, who tragically passed away in 2021 before he reached the age of two. Julia and Christian lived with Louis in Shepperton in my constituency, and they loved their little boy with all their hearts. Of course, no occurrence is more tragic than the death of a small child. It was particularly disturbing that they knew very little about the illness that took away Louis' life. One can only imagine the horror of discovering one's child lifeless, and the sheer bewilderment of trying to understand the causes of that tragedy.

Julia and Christian introduced me to other bereaved parents who had gone through this heart-wrenching occurrence. The national charity SUDC UK does vital work to promote more understanding and sensitivity around a subject that, as I said, has drawn too little attention in the past. SUDC is among the leading categories of death in England and Wales for children aged between one and four. As a community, we have to engage more vigorously with this phenomenon.

Technically, SUDC is the sudden and unexpected death of a child between one and 18 years of age. Those deaths, by their definition of sudden and unexpected, often remain unexplained after a thorough investigation, including a post-mortem. This is one of those areas that modern medical science has still not really got to the bottom of, despite the great advances we have made.

Debbie Abrahams (Oldham East and Saddleworth) (Lab): It is good that we can unite and collaborate to address some of the issues raised by SUDC. Christian's aunt is my constituent, so I learned about Louis from her. Many of us here are parents, and this issue is deeply worrying. Like the hon. Member for Runnymede and Weybridge (Dr Spencer), I was a public health consultant and have come here from working in the NHS. This issue has not had the profile it needs—just 50 research papers, compared with 12,000 on sudden infant death syndrome. I hope we can do some joint working on the issue to raise the profile of risk factors and so on.

Kwasi Kwarteng: I am very pleased to join the hon. Lady in raising the profile of the condition. This category of death has never really gathered the attention it deserves. As far as I know, this is the first time it has been debated on the Floor of the House in this Parliament.

Andy Carter (Warrington South) (Con): I pay tribute to my constituents, the Grogan family, in particular Sarah, a teacher at Cobbs Infant School in Appleton. She has been in touch with me to tell me about her experience with Frankie, her little boy, who died at the age of three. Sarah has helped to inform medical professionals, including GPs, through the videos she has made. I have learned a tremendous amount from her, and I am sure my right hon. Friend will join me in paying tribute to her for her work on this important topic.

Kwasi Kwarteng: I am delighted that my hon. Friend has made that contribution. I must press on to the end of my remarks and look forward to what other hon. Members have to say on this sensitive, moving and tragic subject. The silver lining is that we will be able to make more progress in the years ahead.

It is vital to get on the record an undertaking from the Minister and his Department to encourage consistent medical education and training—there is currently very little—to help prioritise research into this category of death. Our urgent, immediate request is an undertaking to increase public information about this tragic phenomenon. How will the Minister help to prioritise scientific research to better understand this phenomenon, and to work out ways we can prevent and reduce the tragic deaths such as those experienced among many of our friends and wider communities?

I have written to the chief executive of the NHS to ask for more and better public information. The website should be updated. I urge the Minister to engage with NHS officials and managers through a commonly agreed platform, on which we can progress.

The initial response to this debate has been incredibly heartwarming and impressive. In the last few days, dozens and dozens of people have written in. They have outlined their experiences and told us about their own tragedies and their families, which have been torn apart and devastated by this phenomenon. It would be invidious of me to talk about those responses individually, but common themes run through all the submissions in this overwhelming response—in all the evidence we have accumulated in the last few days.

The thing that comes out most tragically and vividly to me is the sense of utter bewilderment about the cause of death. Many of us in our lives have dealt with personal tragedy and the passing of loved ones. In most of those instances, we have understood the nature of the illness, and there has been a degree of timing and ability to adjust to an appalling series of events. But let us imagine the death of a child who has all of his or her life in front of them and it is suddenly ended. If we can imagine that for one of our own children, we get a sense of how tragic and difficult that occurrence is. I commend the many people here who have gone through that heart-wrenching experience, who have had the courage to reach out to come and speak to MPs, and who work incredibly hard to make sure this goes further up the agenda.

The other principal thing that I have noticed is that there is not only bewilderment and the initial horror and confusion around the event, but a marked degree of ignorance about this phenomenon among the wider public. People do not know about this. We used to read and hear about what was called cot death, which was technically applied to children under the age of one, but, for the age group between one and four and for older children, there was not even a word or a phrase to describe what happens. If this debate can start a wider conversation about SUDC, I will feel that we have done a bit of our job. This is not the end; this is just the beginning of a wider debate on a deeply tragic occurrence.

Finally, because we do not have much time, I want to thank Nikki Speed, the chief executive officer of SUDC UK, who is here, and Julia and Christian Rogers for bringing this important subject to my attention and enabling us to have a wider debate. As I have said, I think it is the first time that this has been discussed, certainly in my experience as an MP of 12 years, in these precincts. I hope we can continue to work together to find adequate solutions and improve outcomes for people in this country.

We have had successes on the phenomenon of cot death—we made huge strides with that—and it is vital now that we turn our attention and expertise to SUDC. I thank Members from across the House who have listened with real respect not to me, but to the gravity of the debate. I am very interested to hear what my hon. Friend the Minister will say in response to our speeches.

Derek Twigg (in the Chair): May I remind Members that they should bob if they wish to be called in this debate? There are five standing, so I must limit speeches to five minutes or so to get everybody in. I am sure you will all work together to try to achieve that before the wind-ups. I call Tim Farron.

4.43 pm

Tim Farron (Westmorland and Lonsdale) (LD): It is a pleasure to serve under your chairmanship, Mr Twigg, and a pleasure to follow the right hon. Member for Spelthorne (Kwasi Kwarteng), who made a very moving and thoughtful speech. I especially congratulate him on securing this really important debate.

SUDC is an unimaginable tragedy to strike any family. We are here because people in our communities have reached out to us to share their experiences with us. I know we all feel that it is a huge responsibility and an honour to share their experiences.

I spoke last night and previously to my constituent Charlotte and her husband Andy regarding their little son Wilfred, who was two years and 10 months old when he died a little over a year ago. Charlotte and Andy refer to Wilfred as a

“vibrant, energetic little boy who had a vivacious and fearless lust for life.”

She goes on to say:

“The shock that reverberates into every aspect of your life when your child dies unexpectedly and suddenly is unimaginable”.

Unimaginable it is to those of us who have not personally experienced that tragedy. As I seek to honour Wilfred, perhaps the best thing that I can do is speak briefly about actions that could spare other families from experiencing the grief and tragedy with which Wilfred's family continue to live.

The challenges are what to do with the evidence and what to do about the lack of evidence. Those are the two things that it would be good to consider. Let me first turn to what to do about the evidence. Wilfred passed away at two years and 10 months. At 10 months old, he suffered his first febrile seizure. He was never referred for further investigations to ascertain the cause or to ascertain whether a febrile seizure could lead to anything more dangerous. Wilfred had his sixth febrile seizure, which led to a cardiac arrest, and he passed away just a few days later.

Research by the US branch of the charity Sudden Unexplained Deaths in Childhood shows that roughly a third of sudden unexplained child deaths happen to children with a history of febrile seizures. So they are not totally unexplained, are they? At least some of them are not. However, febrile seizures are mostly not treated as serious or potentially serious. Most NHS trusts do not have a pathway to deal with children who have suffered a febrile seizure, and that surely must be addressed urgently. Febrile seizures must be seen as a red flag that all NHS providers should be aware of, and they should be equipped to act accordingly.

I want also to refer to something that tends to affect not very young children, but young people who are still minors: deaths caused by undiagnosed heart conditions. In particular, I want to refer to the work of CRY—Cardiac Risk in the Young—which does tremendous work in screening young people, particularly those who have any kind of family history but even those who do not, to see whether there is a potential risk. Thousands of people have been assessed by Cardiac Risk in the Young, which is a wonderful charity that works across the north-west and further—indeed, it has done sessions in Kendal. I encourage the Minister to look into how we can screen young people, particularly if there is any family history, to ensure that we do not lose them to undiagnosed heart conditions.

That is what to do with the evidence. What do we do about the lack of evidence? Simply, for the children we lose to sudden unexplained death, it is indeed totally unexplained: there are no clues. We ask collectively today that the Government prioritise scientific research into sudden unexplained deaths among children, potential causes and modifiable risk factors. We also ask that the Government and the NHS prioritise medical education to increase awareness.

Andy Slaughter (Hammersmith) (Lab): I agree with what the hon. Gentleman said. I am here because a constituent told me about the tragic death of her two-year-old nephew in 2021. I am educating myself, with the help of SUDC UK, but it is difficult because there is so little debate, publicity and awareness. I hope that this well-attended debate will mean that research and education is forthcoming. It is a very rare but absolutely devastating condition.

Tim Farron: I agree with the hon. Gentleman.

In memory of Wilfred, in honouring his family, and as we remember all those who have tragically died and we seek to support their loved ones, we ask that the Government take practical steps to help us to tackle the horror of sudden unexplained deaths among children.

I spoke to another family—I will not name them—who talked about the loss of their child not so long ago. The mother said to me:

“It clouds everything you do, feel and breathe. I hate that it happened to him and not me. I will never not be able to see him in A&E, thinking this can’t be happening, he is healthy, and I left him a couple of hours ago absolutely fine.”

There is a reason why it is such an uncomfortable issue, but it is important to grasp uncomfortable issues, not only in honour of the memory of Wilfred and everybody else who has passed away and to honour their families, but to prevent any other families from going through the same thing in future.

4.50 pm

Dr Ben Spencer (Runnymede and Weybridge) (Con): It is a pleasure to serve under your chairmanship, Mr Twigg. I am pleased to be here supporting the charity SUDC UK. I pay tribute to my right hon. Friend the Member for Spelthorne (Kwasi Kwarteng) who introduced me to the work of SUDC UK. I am proud to have played a very small part in helping to support it and getting this debate.

Last year, after said introduction, I had the pleasure of meeting Nikki Speed and Julia Rogers. They are two incredibly brave parents involved in SUDC UK, which is the charity that works to understand and prevent sudden unexplained death in childhood. I was saddened, upset and touched by their personal stories. I was also inspired by their commitment to supporting others, trying to improve understanding, pressing for further research into sudden unexplained death in children and making sure that others do not have to go through such a tragic event as they did.

As a parent myself, I cannot imagine anything worse than losing a child, but not knowing why they died must make it even harder still. While sudden unexplained death in childhood is frankly very rare, it affects about 40 children in the UK each year. That is 40 families each year facing the same questions and challenges. SUDC UK works to support those families and ensure that better and more consistent support is made available. Crucially, it campaigns to gather more information in the hope of understanding and ultimately preventing such deaths in future.

As a scientist by background, I agree that understanding has to be built on sound data, but the challenge with understanding sudden unexplained death in childhood begins at the very start. Currently, variation in investigation and certification following the sudden unexplained death of a child means we cannot know exactly how often SUDC occurs. There is no single specific code recorded, so gathering evidence on prevalence and mapping any factors or trends that might be present is very difficult, and the information is almost certainly incomplete.

Without that, it is difficult—nigh impossible—for research into SUDC to be conducted. Let us compare that with sudden infant death syndrome, which is the unexplained death, usually during sleep, of a seemingly healthy baby who is less than a year old. That is recorded. There have been thousands of studies conducted, as the hon. Member for Oldham East and Saddleworth (Debbie Abrahams) pointed out, and research papers published, which have helped to contribute to the safer sleep advice that led to an 80% reduction in that category of infant deaths. In contrast, my understanding is that only 55 research papers into SUDC have been published worldwide.

[Dr Ben Spencer]

The requests of SUDC UK are quite simple. It asks the Government to recognise SUDC and, by doing so, to ensure that consistent support is available for those affected. It also asks that clear, consistent information is provided about SUDC, for families and for the medics who may experience it in their careers. The charity asks the Government to support changes to enable clear and consistent data to be gathered, and research to take place as a result, so we can learn more about sudden unexplained death in childhood and, hopefully, learn one day how to prevent such tragedies. That makes complete sense when it comes to tackling the challenges and, we hope, turning around the horror that is sudden unexplained death in childhood. I look forward to hearing the Minister's response and his and the Government's thoughts on what we can do to take this forward.

In the spirit of the debate, I welcome the approach of Government and Opposition Members who see this as the start of a journey and of the work we need to do in this area to have the same impact on SUDC as has been made on SIDS over the years. I give my huge thanks to Nikki and Julia for their incredible strength and dedication to this work. There are a whole host of people involved in SUDC UK, and I thank everybody who is part of the team. It is incredible what they are doing by taking this forward. I hope the Minister and the Government support the work of SUDC UK not only in this debate, but in the months and years to come.

4.54 pm

Cat Smith (Lancaster and Fleetwood) (Lab): I congratulate the right hon. Member for Spelthorne (Kwasi Kwarteng) on starting the parliamentary conversation on this important issue. The fact that this is the first debate on the subject suggests to me that it is the beginning of a productive conversation.

I speak today on behalf of my constituent Alexander. On Friday I sat down with Alexander's mum, Emily, and his dad, Darren, at their home in Lancaster. I also met his younger brother Freddie and baby sister Isabelle, who Alexander never got to meet because he died suddenly with an unexplained death on Boxing day 2021. He was three years old.

I will start my contribution by saying a little about Alexander. He was a happy, healthy three-year-old. He was doing well at nursery, and he loved Peter Rabbit and all things vehicles. He was a really loving big brother to Freddie, and he was really looking forward to meeting his new baby sister, as his mum was six months pregnant when he passed away. After a perfect Christmas day, Alexander appeared under the weather, and his mum took his brother Freddie out for a walk to give Alexander time to have a rest and a nap. Emily did not know that by the time she returned to the family home in Lancaster, her world would have changed forever.

Aside from a previous history of febrile seizures, there were no signs that Alexander was seriously ill or at risk of dying suddenly and unexpectedly. That is the reality of SUDC. It is sudden, and we currently do not know if there is any way to reduce the risk. There is no preparation and no warning, and families are left with little or no answer about why their child has died.

It would be very easy to use this debate to set out all the things that went wrong and could have been done better, but I want to talk about something that went really

well. Emily and Darren were given a SUDC nurse, Jo Birch, who has been a real support to the family through a year that has been, quite frankly, horrific. This is something that is in place in Lancashire, but not everywhere. I take this opportunity to thank Jo for her work and share with the House her role. Jo is part of a nurse-led SUDC service. It is the first nurse-led SUDC service in the country—most are paediatric-led. The service began in 2008 and covers the whole of Lancashire. It follows each case through until the final stage of the process, which is the child death overview panel. For the first 10 years, the service was just two nurses working Monday to Friday, but since 2018 it has become a seven-day service. I am pleased to learn that there are now a couple of other nurse-led teams, although Lancashire remains the only one like it in the north of England.

Emily, Darren and their family ask the Government to do better by the families who are affected. They would like the Minister to take up the issue, as outlined by the hon. Member for Westmorland and Lonsdale (Tim Farron), of consistent national medical education on SUDC. Alexander's parents feel that we particularly need to examine the links between febrile seizures and SUDC, as the limited research that exists suggests that there is an association. His parents were frequently told that such seizures were normal and he would grow out of them.

One thing that was very clear in my conversation with Alexander's parents is that they never want any other family to have to go through what they have been through. They want to improve public information on SUDC, and that has to start with the information on the NHS website. I ask the Minister if he will encourage the NHS to urgently and immediately include appropriate information on SUDC on the NHS website. None of us can do anything to bring Alexander back, but we can all learn from his life and take action to ensure there is more research and more information on SUDC.

Finally, I want to say that Alexander is blessed to have a mummy like Emily and a daddy like Darren. Their love for their son shines through in all that they are doing in his memory. In his three years with us, Alexander touched the lives of so many people that he met, from his key workers and staff at the Lancaster University Pre-School Centre, to friends and neighbours. I thank all those constituents—there have been so many—who have written to me about today's debate, asking me to attend and speak on behalf of Alexander.

4.59 pm

Mr Gagan Mohindra (South West Hertfordshire) (Con): It is a pleasure to serve under your chairmanship, Mr Twigg, and I commend my right hon. Friend the Member for Spelthorne (Kwasi Kwarteng) for securing this really important debate.

Nikki Speed was referenced earlier, and she is in the Public Gallery. She is actually one of my constituents, and I will use the words the hon. Member for Hammersmith (Andy Slaughter) used earlier: "Thank you for educating me." As someone who has not been blessed with children, I was not aware of SUDC until the run-up to this debate. The really important point about today's debate is that it is about educating more people about SUDC.

I will come on to various themes a bit later, but I hope the Minister will take away three important aspects: one is about education, the second is about research and the

third is about the need for more public information. In my eyes, it would be quick win to update the NHS website with details about SUDC.

Robert Courts (Witney) (Con): I have also been very moved by the many constituents who have written to me on this issue. My hon. Friend mentioned three points, all of which are important, but does he agree that the key one is perhaps research, which focuses in on causation? Although we will be able to see some common factors, no information we give will be helpful unless we understand the causation?

Mr Mohindra: Unsurprisingly, my hon. Friend makes an excellent point, and I will cover it in a short while.

Mortality statistics from Nomis indicate that about 128 children between one and 19 died of SUDC between 2013 and 2021. That is 128 families and their friends who have been devastated by sudden death. Unfortunately, in Hertfordshire, we had six deaths between 2017 and 2022; indeed, they were all in 2020.

I know that Nikki has put her own journey—her own story—on her website, and would I direct people to visit SUDC UK website. She went through great trauma back in 2013 when she lost her second child, Rosie. When my staff and I were researching for this debate in my office, all of us were emotionally moved by that, because we could all relate to the fact that this could potentially have happened to a loved one. Actually, not that long ago—back in December—I referenced the fact that I have another new niece, and I remember the joy I felt when I described her in the main Chamber. The other side of the coin would be the emotional shock of having to talk about the distress of losing someone at a young age.

With Rosie's story, what made things worse was that it was the run-up to Christmas—there was a reference earlier to another family who unfortunately lost their child on Boxing day. For those families, what is meant to be a joyous time for families and friends will, unfortunately, forever be a real sore spot of emotional trauma, and the unknowns mean there has not really been much in the way of closure.

We have spoken about research. Hopefully the Minister, who is a very good Minister, will take away from the debate the fact that more research needs to be done. The Government have levers to help influence that, but I would urge academia to do more as well. It should not always require a Government steer to do the right thing.

We have spoken about the success of research into sudden infant death syndrome and about how, off the back of 13,000 research papers, there has been an 80% decline in deaths from SIDS. To date, according to my research, we have had only 55 research papers on SUDC, so there is a huge gap there, which can potentially—hopefully—be rectified.

In December 2022, the National Child Mortality Database reported data on SUDC for the first time ever. I hope we will continue to be report it, and in more detail, because what we have heard in other speeches today—my right hon. Friend the Member for Spelthorne articulated it amazingly well—is that the lack of knowledge is the main barrier to finding a long-term solution.

I will leave it at that, because I am sure there will be other excellent speeches forthcoming. However, I echo my right hon. Friend in saying that I believe that this is

the start of the journey in educating more people in this place, and hopefully up and down the country, about SUDC.

Derek Twigg (in the Chair): I call Robbie Moore, and I ask you to take account of the time as well.

5.4 pm

Robbie Moore (Keighley) (Con): It is a pleasure to serve under your chairmanship, Mr Twigg, and I thank my right hon. Friend the Member for Spelthorne (Kwasi Kwarteng) for securing this really important debate, which will hopefully shine a little light on the sad topic of sudden unexplained death in childhood.

It is only right that I begin my contribution by telling the story of a family from Silsden in my constituency whom I had the pleasure of meeting just last Friday. Cheryl, a senior nurse in our local A&E department, and Darren, a local police officer, are incredibly loving parents to two wonderful children. On Christmas day, they put their loving, happy and fun-going little boy, Jack, who was only 16 months old, to bed, only for him not to wake the next morning. That is incredibly sad news, and it was undoubtably devastating for the family. One cannot pull together the words to express the deep sense of loss, anguish, grief and heartbreak that Cheryl and Darren will be feeling. Of course, this also has an impact on their older son, Louis, who has lost a brother he will now not be able to grow up with and share that unique brotherly bond with. Since Jack passed away only on Christmas day just past, the family have had no answers as to what has happened, and investigations are still ongoing.

Sudden unexplained death in childhood is the fourth leading category of death for children aged one to four years old in England and Wales. Approximately 40 children are affected by SUDC in the UK each year—that is one to two seemingly healthy children passing away every fortnight, often going to sleep and never waking again. As we have heard, SUDC affects not just young children under one year old; more one to nine-year-olds die of sudden unexplained death than die as a result of road traffic accidents, drowning or fires.

Published epidemiological data suggests a common profile for children affected by SUDC. Most commonly, they are one to two years old, they are male and, most worryingly, they are dying unwitnessed, alone as they sleep. The child's development is usually normal and their vaccinations are up to date.

Of course, as all of us have said, awareness is absolutely key, because if a parent, family member or friend does not know why the death has occurred, they will constantly ask, "Why?" Over 13,000 research papers have been published on sudden infant deaths. That has helped to pioneer safer sleep advice, which has led to an 80% decline in infant deaths. However, only 55 research papers have been written on SUDC.

Last year, 8 December marked the publication of the groundbreaking report "Sudden and Unexpected Deaths in Infancy and Childhood" by the National Child Mortality Database—I have read it, and it is well worth reading, for those Members who wish to do so. It concludes that, of the sudden and unexpected deaths in 2020 that have been investigated and reviewed, 16% are still classified as unexplained. It provides greater awareness and accuracy

[Robbie Moore]

around understanding exactly which of the many children who are affected by seizures are at risk. It helps to address some of the knowns but, as many of us have outlined, there are still many unknowns. That comes back to the issue of why research is so important. I ask the Minister what we are doing to increase that research, as well as awareness, training among medical professionals, and the public information out there.

This is undoubtedly a difficult topic to talk about, but we must never forget that at the heart of all this is the sad loss of a child. They leave behind a heartbroken family—parents, brothers, sisters and grandparents—and friends. In Jack's case, he leaves behind a loving mother, father and three-year-old brother, Louis. I would like to thank them for their time in sharing their story and for educating me in the meeting I had with them last Friday.

Derek Twigg (in the Chair): I will call the Minister no later than 5.16 pm.

5.9 pm

Andrew Gwynne (Denton and Reddish) (Lab): It is a pleasure to serve under your chairmanship, Mr Twigg, and to speak on behalf of the shadow Health and Social Care team about this tragic and vital issue. I pay tribute to the work of the right hon. Member for Spelthorne (Kwasi Kwarteng), who has been such a strong advocate in addressing sudden unexplained death in childhood. I extend my sincere condolences to his constituents, Julia and Christian, who lost their son Louis to SUDC. Their work, alongside representatives of the charity SUDC UK, to raise awareness of this tragic cause of death has been extraordinary. I would like to place on record my recognition of the work that they and others have done.

As has been outlined, SUDC is the unexpected and unexplained death of a child. Data from the Office for National Statistics estimates that around 40 children are affected by SUDC in the United Kingdom each year. As we have heard in other Members' contributions, it is the fourth leading category of death in children aged between one and four. SUDC is similar to SIDS—sudden infant death syndrome—but whereas SIDS applies to a child who dies before they are 12 months old, SUDC can occur between the ages of one and 18. Another important difference is that SIDS research has resulted in vital safer sleep guidance, whereas there is currently no guidance and there are no recommendations to mitigate the risks of SUDC in children aged one to 18.

I cannot even begin to imagine losing a child—there can be nothing worse and no pain more unimaginable. The additional cruelty of SUDC lies in its inexplicability, because we do not know what causes it. As it stands, these deaths are unpredictable and largely unpreventable. I know I speak for those on both sides of the Chamber when I say that it is incredibly important that the Government do everything they can to support research, awareness and understanding of this tragic disease. We also need to ensure that families burdened with grief after such an enormous loss have access to the mental health and emotional support that is undoubtedly necessary after losing a child.

The National Child Mortality Database has done amazing work to improve understanding of the scale and risk markers associated with SUDC. A recent study

conducted by the NCMD highlighted the role that poverty plays in a higher risk of SUDC. Some 42% of unexplained deaths of infants happened in deprived neighbourhoods, as opposed to 8% in the wealthiest.

I would appreciate it if the Minister could outline what work is ongoing to understand SUDC and what action his Department is taking to support parents and families who have lost a child to it. I would also like to impress on him the importance of tackling socioeconomic inequalities, which we know drive poorer health outcomes for those living in the most deprived communities. If we are to build a happier and healthier future for every family, irrespective of where they are born, we must get a grip on these endemic inequalities across England. I would be grateful if the Minister could update the House on the Government's work to tackle health disparities, with SUDC particularly in mind.

We must ensure that every child gets a healthy start in life—something that has informed Labour's commitment to train 5,000 additional health visitors. Health visitors are skilled in spotting where there may be a problem with a child's health and are therefore key to prevention and providing that support to families.

We also need to raise awareness. In preparing for the debate, I was incredibly surprised to discover that there is currently no information about SUDC on the NHS website, as we have heard from other Members. There is no co-ordinated national research and very little public awareness. I want to use the debate to support the calls for improved public awareness, information and research, and I hope the Minister will join me in that respect and set out what discussions he will have with the NHS to improve the availability of SUDC information and support.

In closing, we owe it to the families who have lost children, the campaigners who have raised awareness and the researchers who work around the clock to better understand and ultimately defeat SUDC.

5.15 pm

The Parliamentary Under-Secretary of State for Health and Social Care (Neil O'Brien): I am grateful to my right hon. Friend the Member for Spelthorne (Kwasi Kwarteng) for securing the debate on this incredibly important issue. It is the first debate of its kind in this House and he made a number of important points, which I will address.

The first point was about raising awareness, which is something that the debate itself does. We recognise the devastation to families caused by the sudden and unexpected death of a child. Each death is a tragedy and that we are unable to offer the families an explanation for the child's death after what will have been a long and potentially invasive process, including a coroner's investigation, must compound the family's confusion. For the death to be unexplained just adds to the trauma.

I thank hon. Members for some powerful speeches and interventions, including those from my hon. Friends the Members for Warrington South, for Runcorn and Weybridge (Dr Spencer), for South West Hertfordshire (Mr Mohindra), for Witney (Robert Courts) and for Keighley (Robbie Moore), and the hon. Members for Westmorland and Lonsdale (Tim Farron), for Oldham East and Saddleworth (Debbie Abrahams), for Hammersmith (Andy Slaughter) and for Lancaster and Fleetwood (Cat Smith), as well as hon. Members who have listened but not been able to speak today.

I acknowledge the advocacy work of the organisation SUDC UK, which is raising the profile of the issue and providing valuable support for families. We all share the same end goal, which is to reduce the risks of sudden unexplained death in childhood, and I welcome the contributions that have been made to today's debate.

As has been mentioned, there has been a reduction of around 70% in the number of unexplained deaths in infancy since the early 1990s. The risk factors are well recognised and the steps that parents can take—safer sleeping practices or stopping smoking—have formed clear messages for years. We are still sponsoring more research on infancy to help reduce those risks further.

Andy Slaughter: The Minister mentioned sudden infant death syndrome. One of the asks that has come from both sides of the House has been whether the Department and the NHS can give the same priority to SUDC as it gives to SIDS in terms of education, research and provision of information to the public.

Neil O'Brien: That is exactly what we want to do. We are committed to the health service learning from child deaths. In 2019, the Government published the "Child Death Review Statutory and Operational Guidance (England)", advising NHS trusts on how they should support, communicate with and engage with families following the death of someone in their care. Listening to bereaved families and ensuring clear communication is integral to the process, and putting clear support in place is a top priority. That guidance sets out the full process that follows the death of a child in England. It builds on the statutory requirements set out in "Working Together To Safeguard Children" and clarifies how individual professionals and organisations across all sectors involved in the child death review should contribute to reviews.

It is important that when a child dies, bereaved parents should be supported to understand the child death review process and how they are able to contribute to it. The family should be assigned a key worker to act as a single point of contact for the bereaved family, who they can turn to for information and who can signpost them to sources of support. The hon. Member for Lancaster and Fleetwood mentioned one particular, excellent way to do that.

Each local authority area has a child death overview panel that is responsible for reviewing information on all child deaths, looking for possible patterns and potential improvements in services, with the aim of preventing future deaths. This process enables us to act quickly to address local failings within the system.

The first step towards understanding the problem is to get the data. In 2018, NHS England supported the establishment of the national child mortality database to reduce preventable child mortality in England. The NCMD records comprehensive data on the circumstances of children's deaths and is the first of its kind anywhere in the world. The child death review process aims to ensure that information regarding every child death is systematically captured and submitted to the NCMD to enable learning to prevent future deaths.

In December, the NCMD published its report into sudden and unexpected deaths in infancy and childhood. The Government are grateful to the NCMD for its important research, which is a significant step forward.

Of the 204 unexpected and sudden deaths of children reviewed by child death overview panels in 2022, 32 were classified as unexplained. The report highlighted that both explained and unexplained deaths in this age group were associated with a history of convulsions, but that association still needs further research, which I will come back to later.

The NCMD provides evidence for investigation, responding to deprivation, housing and other potential risk factors, which the hon. Member for Denton and Reddish (Andrew Gwynne) asked about. Housing Ministers are already strengthening the powers of the regulator of social housing to tackle unsafe homes, and introducing a decent home standard for the private rented sector for the first time ever, which will make sure that privately rented homes are safe and decent.

My right hon. Friend the Member for Spelthorne asked how we will improve medical education, and the report recommends consistent national training on the child death review statutory process and on sudden unexplained death in childhood. Sudden deaths of children over 12 months of age are not well understood, especially where those deaths remain unexplained. As I have outlined, child death overview panels will continue to develop their processes following the publication of the child death review statutory and operational guidance, and they will be supported by the NCMD and work with relevant professional bodies where appropriate.

We are modernising healthy child programme resources to improve available evidence for health and other professionals who work with children. This will include stronger evidence on safer sleep and sleep hygiene for older children, and NHS England is also making commitments to improve knowledge. The children and young people programme is reviewing the patient information made available, so that it is relevant and appropriate. This will involve a review of all NHS-commissioned information, including on febrile seizures. NHS England is also conducting a review of the leaflet that is handed out when a child dies, which will provide further information on sudden unexpected death in childhood.

The hon. Member for Lancaster and Fleetwood asked specifically about the NHS website. The team are reviewing the information with patient groups, so that it is appropriate.

A number of Members have quite rightly called for more research, and the report calls for further research into SUDC to better identify modifiable factors. My officials have contacted their counterparts at the University of Bristol to discuss potential research priorities, and I am happy to continue that dialogue with Members of this House and others, to scope further research priorities. Such research will help us better understand what can be prevented. The National Institute for Health and Care Research welcomes funding applications for research into any aspect of human health, including sudden unexplained death in childhood, and NHS England will be working with the NCMD to track trends in modifiable factors further. Their work will help to raise awareness across professions and identify key areas for research. My officials are also in contact with the chief nursing officer in England about any opportunities linked to the CNO's research strategy. I look forward to hearing experts and parents' suggestions on research, so that we all have better data on prevalence and a shared understanding of risks around gender, ethnicity and other characteristics.

[Neil O'Brien]

Someone would have to have a heart of stone to not be moved by the contributions to today's debate. By raising awareness and developing the understanding of modifiable factors, we can provide better information to parents and professionals, and help to reduce the risks, so that more families will not have to suffer in the same way.

Derek Twigg (in the Chair): I call Kwasi Kwarteng to wind up. You have a bit more time than we originally envisaged.

5.23 pm

Kwasi Kwarteng: Thank you, Mr Twigg. We have heard some fabulous and heartfelt speeches from across the House. In many years in Parliament, both on the Front Bench and on the Back Benches, I have debated many issues of national importance, but I do not think that any of the issues I have ever spoken about has had such emotional impact on the people affected. I was particularly struck by the concordant note—the note of agreement—from Members of all parties. It seems to me that there are a number of things on which we all agree—a number of important issues where there is broad consensus, and on which we will be challenging the Minister and his colleagues to make progress.

Undoubtedly, research is the key element. We heard that there are something like 13,000 papers on SIDS, by contrast with 50 on SUDC. That balance has to shift somewhat if we are to get improved outcomes on SUDC. Clearly, public awareness has to be a big part of getting better results. Hon. Members have mentioned the NHS website, and I feel very strongly that it should be improved to incorporate many of the things we have discussed today.

Finally, it is really important that we continue to revisit this issue. On many occasions, I have had debates here in Westminster Hall or in the main Chamber where we have said lots of warm words, but we have had very little in the shape of follow-through. On an issue of this kind, which is so important and has touched everyone emotionally, we have to be able to follow through. I urge the Minister to meet Nikki, other families and people involved in SUDC UK's vital work, so that we can have a dialogue and achieve much better outcomes than we are currently seeing today.

Question put and agreed to.

Resolved,

That this House has considered sudden unexplained death in childhood.

5.25 pm

Sitting adjourned.

Written Statements

Tuesday 17 January 2023

DIGITAL, CULTURE, MEDIA AND SPORT

Online Safety Bill

The Secretary of State for Digital, Culture, Media and Sport (Michelle Donelan): I have engaged extensively with Members of this House recently regarding a number of amendments that have been tabled for Report stage of the Online Safety Bill, which will take place today. These constructive discussions have reached a positive conclusion that enhances the Bill's ability to keep children safe online and tackle illegal activity.

Senior management liability

We have carefully reviewed new clause 2, which seeks to make senior managers criminally liable for breaches of the Bill's child safety duties. I am sympathetic to the aims of the amendment. We have already demonstrated our commitment elsewhere in the Bill to strengthening the protections for children by bringing forward a series of amendments to achieve this at previous stages of the Bill's passage. In addition, the Bill already includes provisions to make senior managers liable for failing to prevent a provider committing an offence—failure to comply with information notices.

We are committed to ensuring that children are safe online, so we will work with my hon. Friends the Members for Penistone and Stockbridge (Miriam Cates) and for Stone (Sir William Cash) and others to table an effective amendment in the Lords. This amendment will deliver our shared aims of holding people accountable for their actions in a way that is effective and targeted towards child safety, while ensuring that the UK remains an attractive place for technology companies to invest and grow.

We need to take the time to get this right. We intend to base our amendment on Ireland's Online Safety and Media Regulation Act 2022, which introduces individual criminal liability for failure to comply with a notice to end contravention.

In line with that approach, the final Government amendment at the end of ping-pong between the Lords and the Commons will be carefully designed to capture instances where senior managers, or those purporting to act in that capacity, have consented or connived in ignoring enforceable requirements, risking serious harm to children. The criminal penalties, including imprisonment and fines, will be commensurate with similar offences. While this amendment will not affect those who have acted in good faith to comply in a proportionate way, it gives the Act additional teeth to deliver change and ensure that people are held to account if they fail to properly protect children.

Illegal immigration

We have also engaged extensively with my hon. Friend the Member for Dover (Mrs Elphicke) and my right hon. Friend the Member for South Holland and The Deepings (Sir John Hayes) to discuss their amendment, which seeks to tackle illegal immigration through the Online Safety Bill. As the Prime Minister has said, stopping these crossings is one of this Government's top priorities. The use of highly dangerous methods to

enter this country, including unseaworthy or small and overcrowded boats and refrigerated lorries presents a huge challenge for us all. The situation needs to be resolved, and we will not hesitate to take action wherever that can have the most effect, including through this Bill, as organised crime groups are increasingly using social media to facilitate migrant crossings.

Following constructive discussions with my hon. Friend the Member for Dover and my right hon. Friends the Members for South Holland and The Deepings and for Maidenhead (Mrs May), I can now confirm that, in order to better tackle illegal immigration encouraged by organised gangs, the Government will also add section 2 of the Modern Slavery Act 2015 to the list of priority offences. Section 2 makes it an offence to arrange or facilitate the travel of another person, including through recruitment, with a view to their exploitation.

We will also add section 24 of the Immigration Act 1971 to the priority offences list in schedule 7. Although the offences in section 24 cannot be carried out online, paragraph 33 of the schedule states that priority illegal content includes the inchoate offences relating to the offences that are listed. Therefore, aiding, abetting, counselling, conspiring etc. those offences by posting videos of people crossing the channel that show that activity in a positive light could be an offence that is committed online and therefore falls within what is priority illegal content. The result of this amendment would therefore be that platforms would have to proactively remove that content.

We will table this Government amendment in the House of Lords.

Conversion therapy

We recognise the strength of feeling on the issue of harmful conversion practices and remain committed to protecting people from these practices and making sure they can live their lives free from the threat of harm or abuse.

We have had constructive engagement with my hon. Friend the Member for Rutland and Melton (Alicia Kearns) on her amendment seeking to prevent children from seeing harmful online content on conversion practices.

It is right that this issue is tackled through a dedicated and tailored legislative approach, which is why we are announcing today that the Government will publish a draft Bill setting out a proposed approach to banning conversion practices. This will apply to England and Wales. The Bill will protect everyone, including those targeted on the basis of their sexuality or for being transgender.

The Government will publish the draft Bill shortly and will ask for pre-legislative scrutiny by a Joint Committee in this parliamentary Session.

This is a complex area, and pre-legislative scrutiny exists to help ensure that any Bill introduced to Parliament does not cause unintended consequences. It will also ensure that the Bill benefits from stakeholder expertise and input from parliamentarians.

The legislation must not, through a lack of clarity, harm the growing number of children and young adults experiencing gender-related distress, through inadvertently criminalising or chilling legitimate conversations that parents or clinicians may have with their children.

[HCWS500]

JUSTICE

Personal Injury Discount Rate: Call for Evidence

The Parliamentary Under-Secretary of State for Justice (Mike Freer): My noble friend the Parliamentary Under Secretary of State for Justice (Lord Bellamy KC) has made the following written statement:

I announce today the publication of a Call for Evidence on exploring the option of introducing a dual or multiple Personal Injury Discount Rate (PIDR).

The PIDR is important in ensuring that claimants who suffer serious, life-changing personal injuries receive full damages, including for their future financial needs. It is the percentage figure used to help calculate how much a compensator—usually an insurer or body such as the NHS—pays to a claimant, in the form of a lump sum.

It is assumed that claimants will invest this lump sum and accrue a return on that investment and the PIDR represents what the real rate of return on this investment is expected to be.

Historically, the PIDR has always been set as a single rate however, it can be set as more than one rate if supported by the evidence. It has been argued that applying a single rate can result in unfairness to claimants and that moving to a dual or multiple PIDR could potentially be more accurate than using the current single averaged rate.

Moving to a dual rate means having more than one rate which can be targeted more specifically at claimants with shorter or longer-term injury awards. For example, it would

allow for short and long-term rates to be set with claimants switching from one to the other after an appropriate length of time. Other approaches include separate rates for different losses, such as care costs or future lost earnings.

The Government Actuary explored this issue during the last PIDR review in 2019, noting that the implementation of dual rates might be considered as a means of providing fairer compensation for both short and long-term claimants.

However, the Government decided that there was a lack in the quantity and depth of evidence available at that time to conclude that a dual rate was more appropriate than a single rate. A commitment was, therefore, made to seek additional data and evidence on this issue to inform future PIDR reviews.

This Call for Evidence is being issued in response to that commitment. Its purpose is not to decide whether there should be a change from a single to a dual or multiple PIDR. Instead, the aim is to evidence and expert opinion on the pros, cons, effects and impacts of a change to a dual or multiple PIDR approach.

The Call for Evidence will be open for a period of 12 weeks and will close on 11 April 2023. A copy has been placed in the Libraries of both Houses and a response document summarising the key submissions and evidence provided by stakeholders will be published in due course.

Copies of the Call for Evidence can be found at:

<https://www.gov.uk/government/consultations/personal-injury-discount-rate-exploring-the-option-of-a-dualmultiple-rate>.

[HCWS499]

Petitions

Tuesday 17 January 2023

OBSERVATIONS

ENVIRONMENT, FOOD AND RURAL AFFAIRS

Water meters for park homes

The petition of residents of the United Kingdom,

Declares that park home owners pay the same tariffs as households in any other housing sector, however, as many sites are metered rather than individual park homes, they are frequently overcharged by park owners; further that park home owners are frequently paying for water wasted from delayed repairs to leakages in the site infrastructure and for water used by the park owners for their own purposes; further that residential park home owners are usually on fixed incomes and should not be paying for water they do not consume; further that they should enjoy the same benefits that individual water meters bring to mainstream housing and further that the collateral benefit will be that leakages are repaired more quickly by park owners and wastages of the resource minimised.

The petitioners therefore request that the House of Commons urge the Government to require all water companies to provide each residential mobile home on a protected site with water meters and ensure that they fit meters for free on request (excepting Scotland).

And the petitioners remain, etc.—[Presented by Mrs Sheryll Murray, *Official Report*, 12 July 2022; Vol. 718, c. 302.]

[P002740]

Observations from the Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Trudy Harrison):

Thank you for sharing your petition with me as Parliamentary Under-Secretary of State. Thank you for outlining your views regarding water metering and billing for residents living in park homes.

While a majority of conventional homeowners are able to have individual water meters fitted to their properties, there are cases where a water meter might be shared by more than one property, such as for homes on shared pipework, as is the case with park homes. Where this is the case, it is not unusual for the water bill to be split equally between all dwellings.

Often in these cases, tenants or others—purchasers—buy their water or sewerage services from another person or company—a reseller—instead of directly from a water or sewerage company. This is known as water resale and applies to park homes. A guide to water resale is available from Ofwat and explains this further¹.

Information about water resale charges can also be found on Ofwat's website². This outlines the approach water resellers must take to calculate water bills for the purchaser in accordance with the Water Resale Order 2006. A reseller should inform purchasers how they have calculated their bill. If no purchasers are metered, charges for water should not be higher than the average water bill for a region unless the reseller can justify this using one of the prescribed charging methods. If resellers

charge more than the maximum resale price, their purchasers can take them to the small claims court to recover the money as well as interest.

Park home owners can request a water meter. However, resellers are under no obligation to install them. Additionally, if single homes are metered, this can result in higher administration fees for those being charged on a metered basis compared to being unmetered.

The Consumer Council for Water may be able to provide you with more information and support on water resale. The reseller can choose between these options when charging on an unmetered basis:

equally between the purchasers; or in proportion to the:

number of people living in each property;

rateable value of each property;

total floor space of each property;

number of bedrooms in each property; or

one half of the bill calculated on the number of purchasers (method 1) and the other half calculated on any one of the other methods (2-5).

As with park homes, conventional homes that are on a shared water supply share the responsibility to pay for and fix leaks. In our 2021 written ministerial statement on reducing demand for water, we committed to ask water companies to develop a consistent approach to address leakage on customers' own pipes³. If purchasers have any concerns about leakage from pipes on their property or park site, their first point of contact should be their reseller to voice concerns. They may hold a licence for the park site, issued by the local council. If purchasers feel that concerns are not being addressed, this can be raised with their local council, which manages these licences⁴. Fixing onsite leaks will go some way to reducing total site metered water bill charges and those paid by park homes. Purchasers could also contact the water company supplying their area as they can ask that significant leaks are fixed by a reseller⁵.

The Government expect water companies to take action to reduce levels of leakage and have consistently challenged them on their performance. Ofwat's current price review commits water companies to an average 16% leakage reduction by 2025. The industry has committed to a Government-endorsed target to reduce leakage by 50% sector-wide by 2050. Leakage on customer property forms part of the overall leakage targets and we have asked water companies to develop a consistent approach to addressing this.

Thank you again for taking the time to contact the Secretary of State about this issue.

¹ <https://www.ofwat.gov.uk/wp-content/uploads/2020/03/A-guide-to-water-resale-2020.pdf>

² <https://www.ofwat.gov.uk/households/your-water-bill/waterresale/>

³ <https://questions-statements.parliament.uk/>

⁴ <https://www.gov.uk/park-mobile-homes/park-repairs-and-improvements>

⁵ <https://www.water.org.uk/advice-for-customers/find-your-supplier/>

TRANSPORT

No. 52 Barrhead circular route

The petition of residents of the United Kingdom,

Declares opposition to the proposed withdrawal by McGill's Buses of the N052 Barrhead Circular service, notes that the N052 Barrhead Circular service provides

transport to local schools, access to shops and supermarkets, local community facilities including library, leisure and GP services, as well as other local amenities; further notes that it is a lifeline for the isolated, disabled, elderly and those who do not own a car; and further notes that the withdrawal of this service will adversely impact upon those who can least manage without this bus route, making them less able to connect with family, services, education and community.

The petitioners therefore request that the House of Commons urge the Government to encourage McGills to review this decision with a view to continued delivery of the N052 Barrhead Circular, appreciating its importance to the local community.

And the petitioners remain, etc.—[*Presented by Kirsten Oswald, Official Report*, 10 January 2023; Vol. 725, c. 532.]

[P002791]

Observations from the Parliamentary Under-Secretary of State for Transport (Mr Richard Holden):

This is a devolved policy area. We would encourage residents and MPs to engage with the Scottish Government and local councils on this proposal. The Minister will write to the Scottish Government to bring this issue to their attention on behalf of the petitioners.

ORAL ANSWERS

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PETITIONS

Tuesday 17 January 2023

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**not later than
Tuesday 24 January 2023**

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